

Governing the States

Essential Question

How much power should State government have?

Section 1:
State Constitutions

Section 2:
State Legislatures

Section 3:
The Governor and State Administration

Section 4:
In the Courtroom

Section 5:
State Courts and Their Judges

“The Constitution, in all of its provisions, looks to an indestructible **Union**, composed of indestructible States.”

—Chief Justice Salmon P. Chase, *Texas v. White*, 1869

Photo: Governor Bob Riley (R., Alabama) surveys hurricane damage.

GOVERNMENT ONLINE

On the Go

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- Political Dictionary
- Audio Review
- Downloadable Interactivities

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Lesson Goals

SECTION 1

Students will . . .

- examine the origins, features, and purposes of State constitutions through discussion of the six main principles of State constitutions.
- analyze their State constitution and complete a chart identifying areas for reform.
- discuss federalism and locate supporting information in the U.S. Constitution.

SECTION 2

Students will . . .

- compare and contrast features of State legislatures with those of the U.S. Congress.
- identify and rank the main powers of State legislatures and provide examples of each.
- discuss how State legislatures influence the lives of citizens and how citizens influence lawmaking.

SECTION 3

Students will . . .

- complete a chart to examine the powers of a State governor.
- complete a worksheet to compare and contrast State governorships with the U.S. presidency.
- participate in a mock meeting to investigate the roles and responsibilities of State executive officers.

SECTION 4

Students will . . .

- demonstrate knowledge of the five forms of law by completing a concept web.
- compare and contrast features of criminal versus civil law.
- analyze summaries of court cases.

SECTION 5

Students will . . .

- discuss the positive and negative aspects of electing or appointing judges.
- evaluate methods of judge selection by reading primary sources and through participation in a Socratic Dialogue.

DIFFERENTIATED INSTRUCTION KEY

Look for these symbols to help you adjust steps in each lesson to meet your students' needs.

L1 Special Needs

L2 Basic

ELL English Language Learners

LPR Less Proficient Readers

L3 All Students

L4 Advanced Students

Pressed for Time

To cover the chapter quickly, have students describe the basic structure and function of the Federal Government (the three branches, the executive leader, the courts, and so on). As they do so, create a concept web on the board. As you discuss each part of the structure, describe how that structure applies to State governments, including the fact that each is based on a written constitution. Explain the powers of each branch of State government. Ask students to recreate the concept web from the board in their notebooks, title it “State Governments,” and add details to each part as they read Sections 2–5.

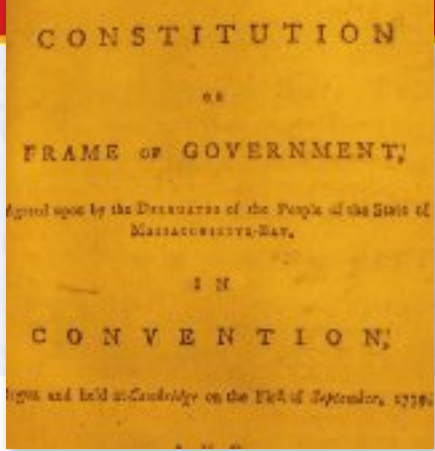
GUIDING QUESTION

What are the defining features of State constitutions?

- I. The First State Constitutions
- A. Independence
1. first modeled on colonial charters
2. most today became effective after popular vote
- B. Principles of State constitutions
1. popular sovereignty; limited government
2. bill of rights; separation of powers; checks and balances; bicameral
- II. State Constitutions Today
- A. Basic Principles
1. popular sovereignty and limited government
2. separation of powers; checks and balances
- B. Bill of rights
- C. Structure of State and local government
- D. Powers and processes
- E. Process for constitutional change
- F. Miscellaneous provisions
1. preamble—purpose
2. schedule for putting into effect
3. dead letter provisions—no current effect
- III. Constitutional Change
- A. Procedures for Change
1. steps: proposal; then ratification
2. conventions for revision
3. amendment proposed by legislature or initiative
- B. Ratification of Amendments—usually majority vote
- IV. Need for Reform
- A. many State constitutions are too long
- B. fail to distinguish fundamental from statutory law
- C. outdated

SECTION 1

State
Constitutions



Guiding Question
What are the defining features of State constitutions? Use an outline to take notes on the defining qualities of State constitutions.

- I. The First State Constitutions
- A. Independence
1. _____
2. _____
- B. _____
1. _____
2. _____

- Political Dictionary**
- popular sovereignty

• limited government

• fundamental law

• initiative

• statutory law

- Objectives**
1. Examine the history, content, and significance of the first State constitutions.
2. Describe the basic principles common to all State constitutions today.
3. Explain the procedures used to change State constitutions.
4. Analyze why State constitutions are in need of reform.

Image Above: Massachusetts constitution of 1780

Not very many people have ever seen a State constitution, let alone read one. Join a rather exclusive club and look at your State's document. This step should prove useful as you read this chapter.

A State constitution is that State's supreme law. It sets out the ways in which the government of the State is organized, and it distributes powers among the various branches of that government. It authorizes the exercise of power by government and, at the same time, puts limits on the exercise of power by government. Every State's constitution is superior to any and all other forms of State and local law within that State.

Recall, however: Each State's constitution is subordinate to the Constitution of the United States. No provision in any State's constitution may conflict with any form of federal law.

The First State Constitutions

Each of the 50 States has a *written* constitution. From the beginning, government in this country has been based on written constitutions.

Our experience with such documents dates from 1606, when King James I granted a charter to the Virginia Company. That act led to the settlement at Jamestown in the following year and, with it, the first government in what would become British North America. Later, each of the other English colonies was also established and governed on the basis of a written charter.

Independence When the 13 colonies became independent, each faced the problem of establishing a new government. On May 15, 1776, the Second Continental Congress, meeting in Philadelphia, advised each of the new States to adopt

“such governments as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.”

—Second Continental Congress

SKILLS DEVELOPMENT

ANALYZE SOURCES

To help students learn to analyze sources, have them turn to the Skills Handbook, p. S14, and use the information there to assist them in examining their State constitution for the Extend Worksheet activity.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • The first State constitutions emerged from colonial charters and the revolutionary experience. • State constitutions outline the governments' basic principles, protect civil rights, define the structure of State government and its functions, and include procedures for amendment. • State constitutions can be changed by formal amendment or revision, usually with approval by popular vote.

CONCEPTS: constitutional government, fundamental law, initiative

ENDURING UNDERSTANDINGS: • Every State has a unique written constitution that defines the State's government and values. • Many State constitutions need reform to remove outdated and confusing provisions.

Most of the colonial charters served as models for the first State constitutions. Indeed, in Connecticut and Rhode Island, the charters seemed so well suited to the needs of the day that they were carried over into statehood as constitutions almost without change.¹

The earliest State constitutions were adopted in a variety of ways. However, the people played no direct part in the process in any State.

Six of the revolutionary legislatures drew up new documents and proclaimed them in force in 1776. In none of those States—Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, and Virginia—was the new constitution offered to the people for their judgment.

In Delaware and New Hampshire in 1776, and in Georgia and New York in 1777, the constitutions were prepared by conventions called by the legislature. In each case, the new document had to be approved by the legislature in order to become effective, but in none was popular approval required.

In 1780, a popularly elected convention prepared a new constitution for Massachusetts. It was then ratified by a vote of the people. Thus, Massachusetts set the pattern of popular participation in the constitution-making process, a pattern generally followed among the States ever since.²

Assemblies representing the people drafted all of the present State constitutions; most of them became effective only after a popular vote. Only the present-day documents of Delaware (1897), Mississippi (1890), South Carolina (1895), and Vermont (1793) came into force without popular ratification.

Principles of State Constitutions Because the first State constitutions came out of the same revolutionary ferment, they shared many basic features. Each proclaimed

the principles of **popular sovereignty** and **limited government**. That is, in each of them the people were recognized as the sole source of authority for government, and the powers given to the new government were closely limited. Seven documents began with a lengthy bill of rights. All of them made it clear that the sovereign people held “certain unalienable rights” that government must respect.

The doctrines of separation of powers and checks and balances were also built into each of the new constitutions. In practice, however, the memory of the hated royal governors was still fresh. Thus, most of the authority that each State government had was given to the legislature. For example, only New York, Massachusetts, and South Carolina allowed the governor to veto acts of the legislature. In all the States except Georgia (until 1789) and Pennsylvania (until 1790), the legislature was bicameral.³

For their time, the early State constitutions were fairly democratic. Each however, contained several provisions (and some important omissions) that were quite undemocratic by today’s standards. Thus, none of them provided for full religious freedom. Each one set rigid qualifications for voting and for officeholding, and all gave property owners a highly favored standing.

State Constitutions Today

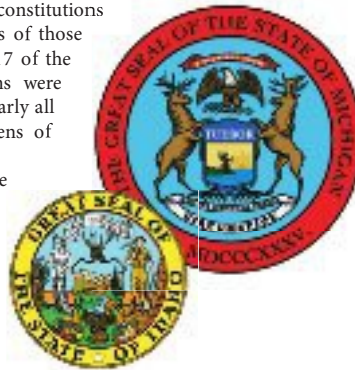
The present-day State constitutions are the direct descendants of those earlier documents. Only 17 of the current State constitutions were written after 1900, and nearly all have been amended dozens of times.

Subject only to the broad limitations set out in the Federal Constitution, the people of each State can create whatever kind of “Republican Form of

Checkpoint
Who drafted the first
State constitutions?

ferment
n. a state of great
change

State constitutions
often specify designs
for State symbols,
including the State
seal.



1 Connecticut's legislature did not write a new document until 1818, and Rhode Island's waited until 1842.
2 As we noted in Chapter 2, with independence Massachusetts relied on the colonial charter in force there prior to 1691 as its first State constitution. When New Hampshire adopted its second (and present) constitution in 1784, it followed the Massachusetts model of popular convention and popular ratification.

3 Vermont, which became the 14th State in 1791, had a unicameral legislature until 1836. Only Nebraska has a one-house legislative body today, and it has had one since 1937.

Get Started

LESSON GOALS

Students will . . .

- examine the origins, features, and purposes of State constitutions through discussion of the six main principles of State constitutions.
- analyze their State constitution and complete a chart identifying areas for reform.
- discuss federalism and locate supporting information in the U.S. Constitution.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 7 All-in-One, p. 15) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 7 All-in-One, p. 16)

BELLRINGER

In their notebooks, ask students to answer this question: **Why do we have State constitutions as well as a U.S. Constitution?**

L2 Differentiate Rephrase the directions. Ask: **What does a State constitution do that the U.S. Constitution does not?** Allow students to use their textbooks for ideas.

L2 ELL Differentiate Suggest that students create a concept web to record their ideas about why we have State constitutions.

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

INTRODUCE THE TOPIC

Ask students to share their ideas from the Bellringer activity about why State constitutions are needed. Examples may include: to set up State government, regulate the safety and welfare of citizens at the State level, limit the power of the State government, and pass and execute laws at the local level. Display Transparency 24A, Six Principles of State Constitutions. Have students describe each principle and explain why it is important for each to operate at the State level.

L1 L2 ELL Differentiate Clarify that a *principle* is “an important basic belief or idea.” Point out the difference in spelling between *principle* and *principal*.

Answers

Checkpoint Most were based on colonial charters and written by legislatures or conventions, without popular approval.

Differentiated Resources

The following resources are located in the All-in-One, Unit 7, Chapter 24, Section 1:

- L2** Prereading and Vocabulary Worksheet (p. 11)
- L3** Reading Comprehension Worksheet (p. 15)
- L2** Reading Comprehension Worksheet (p. 16)
- L3** Core Worksheet (p. 17)
- L3 L4** Extend Worksheet (p. 19)
- L2** Extend Activity (p. 20)
- L3** Quiz A (p. 21)
- L2** Quiz B (p. 22)

Chapter 24 • Section 1

Step 1: Use evidence from the text to answer the questions.

1. What is the purpose of a State constitution?

2. What are the six principles of State constitutions?

3. What are the three branches of government?

4. What are the three levels of government?

5. What are the three types of government?

6. What are the three forms of government?

7. What are the three kinds of government?

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Elements of State Constitutions



PRINCIPLES

- Popular sovereignty; power comes from the people
- Separation of powers
- Checks and balances



CIVIL RIGHTS

- Similar to U.S. Bill of Rights
- May guarantee right to education or gender equality



STRUCTURE

- Outline of State and local government
- Rules for establishing governorship, legislature, and courts

► Analyzing Charts How are the several State constitutions similar to the federal Constitution?

✓ **Checkpoint**
When were most current State constitutions adopted?

Government” they choose. Unique provisions can be found in each of the 50 present-day State constitutions. Still, all of them are quite similar in general outline.

Basic Principles Every State’s constitution is built on the principles of popular sovereignty and limited government. Each of them recognizes that government exists only with the consent of the people, and that it must operate within certain, often closely defined, bounds. In every State, the powers of government are divided among executive, legislative, and judicial branches. Each branch has powers with which it can restrain the actions of the other two. That is, each of the 50 documents proclaims separation of powers and, with it, checks and balances. Each also provides, either expressly or by implication, for the power of judicial review.

Protections of Civil Rights Each document features a bill of rights, a listing of the rights that individuals hold against the State and its officers and agencies. Most constitutions set out guarantees much like those in the first ten amendments to the national Constitution. Several of them include a number of other guarantees as well—for example, the right to self-government, to be safe from imprisonment for debt, and to organize labor unions and bargain collectively.

Governmental Structure Every State constitution deals with the structure of government at both the State and the local levels, including all three branches of State government and the organization of counties and local governments. A few follow the national pattern, providing only a broad outline. Most, however, cover the subject in considerable and often quite specific detail.

Governmental Powers and Processes Each document lists, in detail, the powers vested in the executive branch (the governor and other executive officers), the legislature, the courts, and the units of local government. The powers to tax, spend, borrow, and provide for education are very prominent. So, too, are such processes as elections, legislation, judicial procedures, and intergovernmental (State–local) relations.

Constitutional Change Constitutions are the product of human effort. None are perfect. Sooner or later, changes become necessary, or at least desirable. So, each State constitution sets out the means by which it may be revised or amended. Constitutions are **fundamental laws**—laws of such basic and lasting importance they cannot be changed as ordinary law can be. Constitutional changes are more difficult to bring about, as you shall see.

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Constitutional Principles

LIMITED GOVERNMENT AND COLONIAL RULE The principle of limited government in American State and National constitutions can be traced back to oppressive policies of British colonial rule. For example, the British Parliament claimed the right to impose taxes on the colonists, despite the fact that the colonists could not elect officials to represent them in the British Parliament. Britain required the colonists to house British troops in their homes. When the assembly in New York refused to agree to follow through with this demand, Parliament threatened to dissolve the assembly. For many colonists, the main purpose of the struggle for independence was to free themselves from what they saw as illegal and unfair policies. As a result, the colonists wrote many limits into the State and National constitutions to make sure that their new governments could not encroach on their rights in these ways.

DISTRIBUTE THE CORE WORKSHEET

Divide the class into pairs. Distribute copies of your State’s constitution to students. (You may obtain copies of the constitution from governmental offices, such as the secretary of state, or online.) Then distribute Chapter 24 Section 1 Core Worksheet (Unit 7 All-in-One, p. 17). Either assign different sections of the constitution to each pair, or have all pairs read the entire document. Explain that they will learn about the nature of State constitutions and why reforms are needed by analyzing the constitution or their assigned section and completing the chart in the Core Worksheet.

L1 L2 ELL Differentiate You may wish to assign partners so that advanced or proficient students are paired with English language learners or less-proficient students. Check that students are sharing tasks fairly.

Name _____ Class _____ Date _____

CHAPTER 24 **CORE WORKSHEET**
SECTION 1 **State Constitutions** **3**

Analyzing a State Constitution

Read the State constitution, or portion of it, that your teacher has assigned. As you read, analyze the document to identify areas where you think it should be changed or updated. Write your ideas in the chart below. Then answer the following questions.

Suggested Change	Location in Constitution	Reason for Change

1. When was this constitution written?

2. What historical events may have influenced the writers’ feelings about government?

3. What rights are specifically protected?

4. What sort of language is used in this constitution? Is it difficult to understand? Who is the audience?

5. Does the document contradict itself? Explain.

6. What beliefs about society and government are reflected in this constitution?

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L3 Differentiate Display Transparency 24B, The Appeals Process. Discuss with students how a State’s constitution grants power to the courts and establishes processes. Ask students to speculate how the issue in the cartoon could be resolved by a constitution. (*The constitution could set limits on appeals.*)

Answers

Analyzing Charts They all include basic principles of popular sovereignty, separation of powers, checks and balances; a bill of rights; structure and processes of government; powers of each branch; amendment process; and a preamble.

Checkpoint Most were written before 1900 and are direct descendants of earlier documents.

710 Governing the States



POWERS

- Lists powers held by State officials to govern and provide services
- Empowers States to tax, spend, and borrow



CHANGE

- Processes for amendment



OTHER

- Preambles without legal force
- “Dead letter” provisions that no longer apply

Miscellaneous Provisions Every State constitution contains several sections of a miscellaneous character. Thus, most begin with a preamble, which has no legal force but does set out the purposes of those who drafted and adopted the document. Most also contain a schedule, a series of provisions for putting a new document into effect and for avoiding conflicts with its predecessor. And most include a number of “dead letter” provisions, items that have no current force or effect but nonetheless remain a part of the constitution.

Constitutional Change

Like the national Constitution, the State constitutions have been altered over time by formal amendment and by such other processes as court decisions and custom. However, those other processes have not been nearly so important at the State level as at the national level.

State constitutions are much less flexible, and much more detailed, than the national document. Constitutional change and development at the State level has come about mostly through formal amendment rather than by other means.

Two kinds of formal changes have been used: amendments, which usually deal with one or a few provisions in a constitution; and revisions, the term usually used to refer to changes of a broader scope. Revisions might

include, for example, an entirely new document. Most of the formal changes made in State constitutions are made by amendment.

Procedures for Change The process of formal change involves two basic steps: proposal and then ratification. Proposals for change can be made by a constitutional convention, the legislature, or (in several States) by the voters themselves. Ratification is by popular vote in every State except Delaware.

The constitutional convention is the usual device by which new constitutions have been written and older ones revised. More than 200 such conventions have been held. In every State the legislature has the power to call a convention, and that call is generally subject to voter approval. In 14 States the question of calling a convention must be submitted to the voters at regular intervals.⁴ Conventions can also propose amendments. However, because they are both costly and time-consuming, conventions are most often used for the broader purpose of revision.

Most amendments are proposed by the legislature. The process is comparatively simple in some States, while it is quite difficult in others. In Massachusetts, an amendment must

 **Checkpoint**
What are the six elements of State constitutions?

miscellaneous
adj. varying; not belonging to a single category

⁴ Every 20 years in Connecticut, Illinois, Maryland, Missouri, Montana, New York, Ohio, and Oklahoma; every 16 years in Michigan; every 10 years in Alaska, Iowa, New Hampshire, and Rhode Island; and every 9 years in Hawaii

DISCUSS FEDERALISM

Wrap up this activity by discussing federalism and the need for both State and National governments. Have students examine the U.S. Constitution to identify at least five areas that outline or support the federal system. They should look for articles and amendments that describe the powers granted and denied to the National Government and powers reserved to the State Governments.

EXTEND THE LESSON

L3 L4 Differentiate Have students work individually or with a partner to complete Chapter 24 Section 1 Extend Worksheet (Unit 7 All-in-One, p. 19).

L2 Differentiate Have students create a timeline that includes main events in the history and development of your State’s constitution or the main events in the passage of a recent amendment. Timeline items might include the date when the constitution was ratified and the dates of major amendments or updates.

L2 ELL Differentiate Have visual learners or English language learners design a mural that illustrates all six principles of State constitutions. For “miscellaneous provisions,” encourage students to study your State’s constitution for ideas.

L2 Differentiate Distribute the Extend Activity “Finding Information About Your State” (Unit 7 All-in-One, p. 20), which has students research for data about their State.

Background

OLDEST AND NEWEST STATE CONSTITUTIONS The Massachusetts constitution of 1780 and New Hampshire’s constitution of 1784 are the oldest State constitutions still in force. In fact, the constitutions of these two States are older than all other written constitutions in effect in the world today. At the other extreme, Louisiana has adopted a new constitution 11 times since statehood in 1812, most recently in 1974. Georgia adopted its tenth and current constitution in 1983.

Answers

Checkpoint basic principles of popular sovereignty and limited government; protections of civil rights; governmental structure; governmental powers and processes; constitutional change; miscellaneous provisions

Tell students to go to the Audio Tour to listen to a guided audio tour of the “How Government Works: Amending State Constitutions” diagram.

Assess and Remediate

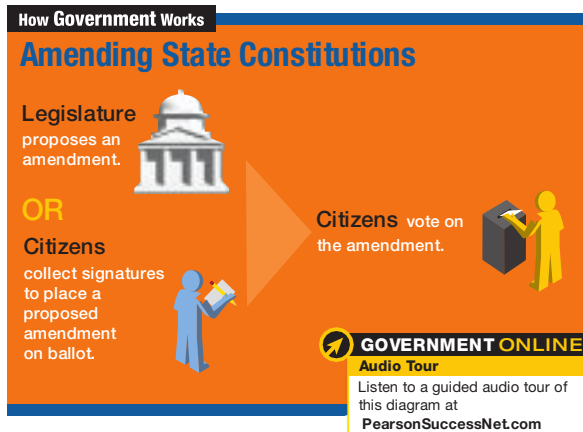
L3 Collect the Core Worksheets and assess students’ work using the Rubric for Assessing a Graph, Chart, or Table (Unit 7 All-in-One, p. 124).

L3 Assign the Section 1 Assessment questions.

L3 Section Quiz A (Unit 7 All-in-One, p. 21)

L2 Section Quiz B (Unit 7 All-in-One, p. 22)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.



Analyzing Diagrams How does the amendment process for State constitutions reflect the idea of popular sovereignty?

Checkpoint
Describe the procedure for changing a State's constitution.

obsolete
adj out of date

be approved by the legislature at two successive annual sessions before it goes to the voters for approval or rejection. In California, a proposal must be approved by the legislature at a single session before being sent on to the voters. Not surprisingly, more amendments are proposed (and adopted) in those States with simpler processes, such as California, than in States such as Massachusetts.

In 18 States the voters themselves can propose constitutional amendments through the **initiative**, a process in which a certain number of qualified voters sign petitions in favor of a proposal. The proposal then goes directly to the ballot, for approval or rejection by the people.

Ratification of Amendments In every State except Delaware, an amendment must be approved by vote of the people in order to become part of the constitution. The ratification process, like the proposal process, varies among the States.⁵

⁵ In Delaware, if an amendment is approved by a two-thirds vote in each house of the legislature at two successive sessions, it becomes effective. In South Carolina, final ratification, after a favorable vote by the people, depends on a majority vote in both houses of the legislature. Both the Alabama and South Carolina constitutions provide that amendments of local, as opposed to Statewide, application need be approved only by the voters in the affected locale.

Typically, the approval of a majority of those voting on an amendment adds it to the State constitution, though some States require a majority of all who vote in an election. On many occasions, in several States, amendments have been defeated though they received more *yes* votes than *no* votes. Most often, this happens because many voters fail to vote on all or at least some ballot measures.

The Need for Reform

Almost without exception, State constitutions are in urgent need of reform. The typical document is cluttered with unnecessary details, burdensome restrictions, and **obsolete** sections. It also carries much repetitious, even contradictory, material. Moreover, it fails to deal with many of the pressing problems that the States and their local governments currently face.

Even the newest and most recently rewritten constitutions tend to carry over a great deal of material from earlier documents and suffer from these same faults. The need for reform can be demonstrated in several ways. Looking at the documents from two standpoints, their lengths and their ages, can produce some useful insights.

The Problem of Length Length was not a problem for the first State constitutions. They were quite short, ranging from New Jersey's 1776 document (2,500 words) to the 1780 Massachusetts constitution (12,000 words). Those early constitutions were meant simply to be statements of basic principle and organization. Purposely, they left to the legislature—and to time and practice—the task of filling in the details as they became necessary.

Through the years, however, State constitutions have grown and grown. Most today are between 15,000 and 40,000 words. The shortest are those of Vermont (1793), with some 8,500 words and New Hampshire (1784), which totals about 9,200 words. At the other extreme, Alabama's 1901 constitution now runs to more than 300,000 words. A leading cause of this expansion is popular distrust of government, a historical and continuing fact of American political life. That distrust has often led to the insertion into State constitutions of detailed

Answers

Analyzing Diagrams Amendments can be proposed by legislators, who are elected by the people, or by the people themselves. The people then vote on the proposed amendments.

Checkpoint Proposals for change can be made by a constitutional convention, the legislature, or an initiative of the people, with ratification by popular vote in every state except Delaware.

How Government Works

PROPOSING A STATE CONSTITUTIONAL AMENDMENT Have students apply the *How Government Works* diagram, “Amending State Constitutions,” on this page to their own State. Working with the same partner, have student pairs select a proposed constitutional change they identified in their Core Worksheet. Ask them to write a description of the change in the form of proposed legislation. Then have them write a justification for the change that they would present to the voters to urge them to approve the amendment. For an interactive version of “Amending State Constitutions,” go to **PearsonSuccessNet.com**.

provisions aimed at preventing the misuse of government power.

Many restrictions on that power, which could be set out in ordinary law, have been purposely written into the State constitution, where they cannot be easily ignored or readily, and quietly, changed. Special interest groups learned long ago that public policies of particular benefit to them are much more secure in the State constitution than in a mere statute.

There has been a marked failure in every State to distinguish *fundamental law*, that which is basic and of lasting importance and should be in the constitution, from **statutory law**, that which should be enacted as ordinary law by the legislature. The line separating fundamental and statutory law may be blurry in some cases. But who can seriously argue that fundamental law includes the regulation of the length of wrestling matches, as in California's constitution, or the problem of off-street parking in the city of Baltimore, as in Maryland's document?

Two other factors have contributed to the growth of State constitutions. First, the functions performed by the States, and by most of their local governments, have multiplied over recent decades. That development has prompted many new constitutional provisions. Second, the "people" have not been stingy in the use of the initiative in those States where it is available.

The Problem of Age Most State constitutions are severely outdated. They were written

for another time and are in urgent need of revision. All too often, their many amendments have aggravated the problem, adding to the clutter of the document.

The Oregon constitution provides a typical example of the situation. It was written by delegates to a territorial convention in 1857 and became effective in 1859. It has been amended more than 240 times; it now contains more than 55,000 words and includes *two* Articles VII and *nineteen* Articles XII!

Like most of the other State charters, the Oregon document is overloaded with statutory material. One of those Article XIs devotes nearly 2,000 words to a closely detailed treatment of veterans' farm and home loans. The document also contains a number of obsolete provisions, including one that bars any person who has ever engaged in a duel from holding any public office in the State.

Some States' charters have proved to be more stable than others. The oldest of all the constitutions are those in Massachusetts (1780), New Hampshire (1784), and Vermont (1793). Nineteen States still have the constitutions with which they entered the Union and, all told, 35 have documents that are now more than 100 years old.

A number of States have had several constitutions. Louisiana holds the record, with eleven. Georgia's current charter, its tenth, is the most recently rewritten document; it was adopted in 1982 and became effective the following year.

Checkpoint
What are the two main problems of State constitutions today?

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
The defining features of State constitutions (Questions 1, 2)	Display Transparency 24A, Six Principles of State Constitutions. Have students copy the concept web in their notebooks and add details from the textbook.
Methods for changing State constitutions (Question 3)	Tell students to review the How Government Works diagram on page 712, "Amending State Constitutions." Ask them to summarize in their own words what the diagram shows. Alternatively, students may draw a flowchart with labels in their notebooks.
The basis of early State constitutions and governments (Question 4)	Describe some events and feelings that led to the American Revolution—the resentment over taxation without representation and other forced measures of the British government—and how those events affected those who wrote the new constitutions.
Need for reform in State constitutions (Question 5)	Have students review the material under "The Need for Reform" and write a main idea for each paragraph.

SECTION 1 ASSESSMENT

Essential Questions Journal

To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

1. **Guiding Question** Use your completed outline to answer this question: What are the defining features of State constitutions?

Key Terms and Comprehension

2. Explain the concept of **popular sovereignty** as it applies to State governments.
3. (a) List and explain three ways changes to State constitutions may be proposed. (b) How are proposed changes ratified?

Critical Thinking

4. **Predict Consequences** Would early State governments have developed differently if they had not grown out of the experiences of the American Revolution?
5. **Draw Inferences** Why do you think that many State constitutions remain so lengthy and unnecessarily detailed and have so many outdated provisions?

Quick Write

Explanatory Writing: Explore a Topic Based on your prior knowledge and what you have read in this section, write at least three questions that explore the ways in which State governments affect your life. (You may also want to preview Sections 2–5 for additional questions.) For example, you might ask: Which have the most direct effect on individual citizens, State laws or federal laws?

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Assessment Answers

- popular sovereignty and limited government; protection of civil rights; governmental structure; governmental powers and processes; process for constitutional change; miscellaneous provisions
- The people of the State are the source of authority for the State's government.
- (a) **By convention:** The legislature calls a constitutional convention to write a new State constitution or revise the existing one. **By a legislature:** The State legislature proposes

amendments. **By initiative:** A specified number of voters signs a petition to put a proposal on the ballot, and voters either accept or reject it. (b) by voters in every State except Delaware

- Students may suggest that the struggle to win freedom from an oppressive British government led States to establish many limits on government power and protect civil liberties and popular sovereignty.
- The constitutional change process is cumbersome; the changes are often not a high priority for either government officials or the public.

Answers

Checkpoint too long and out of date

QUICK WRITE A strong answer will relate questions to the content of the sections and to students' lives.

GUIDING QUESTION

What are the defining traits and purpose of State legislatures?

Purpose/Structure	Powers	Organization
<ul style="list-style-type: none">• Purpose is to make the law• 49 are bicameral• 30–50 members in most upper houses• 100–150 members in most lower houses• elected from districts	<ul style="list-style-type: none">• all those not granted to executive, courts, or local government• all those not denied by State or U.S. constitutions• tax, spend, borrow, establish courts/jurisdiction, define crimes/punishment, regulate commerce, maintain schools• police power• approve or reject appointments• discipline and impeach• constituent power	<ul style="list-style-type: none">• speaker presides in lower house• president of senate is lieutenant governor in 23 States• president <i>pro tempore</i> serves in lieutenant governor's absence• standing committee of each house organized by subject• bills introduced by legislators, but may come from agencies, local governments, interest groups, public

Get Started

LESSON GOALS

Students will . . .

- compare and contrast features of State legislatures with those of the U.S. Congress.
- identify and rank the main powers of State legislatures and provide examples of each.
- discuss how State legislatures influence the lives of citizens and how citizens influence lawmaking.

SKILLS DEVELOPMENT

ANALYZE POLITICAL CARTOONS

To help students learn to analyze political cartoons, have them turn to the Skills Handbook, p. S22, and use the steps explained there to complete the Political Cartoon Mini-Lesson.

SECTION 2

State Legislatures



Guiding Question
What are the defining traits and purpose of State legislatures?
Use a table similar to the one below to record the main facts about State legislatures.

Purpose/Structure	Powers	Organization
• Purpose is to make the law	•	•
• 49 are bicameral	•	•
•	•	•

Political Dictionary
• police power
• constituent power
• referendum

- Objectives**
1. Describe State legislatures.
 2. Explain the election, terms, and compensation of legislators.
 3. Examine the powers and organization of State legislatures.
 4. Describe how voters may write and pass laws through direct legislation.

Image Above: Virginia's House of Delegates

In every State, the legislature, whatever it is called, is the lawmaking branch of State government. So, its basic function goes to the very heart of democratic government: It is charged with translating the public will into the public policy of the State.

The Legislature

Several features of their lawmaking bodies vary among the 50 States. This is notably true with regard to both name and size.

Name and Structure Just over half the States call their lawmaking body, officially, the “legislature.” In 19 States it is known as the “General Assembly,” in two States, the “Legislative Assembly,” and in two other States, the “General Court.”

All but one of the 50 State legislatures are bicameral, having two chambers. The upper house is known everywhere as “the Senate.” The lower house is most commonly titled “the House of Representatives,” but may also be “the Assembly,” “the General Assembly,” or “the House of Delegates.” Nebraska, the only State with a one-house legislature, calls it “the Legislature.”

As with Congress, bicameralism came to America’s legislative bodies out of the colonial experience. Unicameralism is regularly cited as one of the most significant steps that could be taken to improve State legislatures. Despite its apparent successes in Nebraska, efforts to accomplish it elsewhere have been notably unsuccessful. Those who defend bicameralism usually claim that one house can and does act as a check on the other, and so prevent the passage of unwise legislation. Whether that widely held view is justified or not, it has proved a major barrier to the spread of one-chamber lawmaking bodies.

Size There may be no ideal size for a legislative body, but two basic considerations are important. First, a legislature, and each of its houses, should not be so large as to hamper the orderly conduct of the people’s business. Second, it should not be so small that the many views and interests within the State cannot be adequately represented.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • State laws may not conflict with the U.S. Constitution. • Like Congress, nearly all legislatures are bicameral and have presiding officers and committees. • The 50 State constitutions set very different qualifications, terms, pay, and work calendars for their legislators. • In some States, voters can propose bills through initiatives or approve or defeat legislative bills through a referendum vote.

CONCEPTS: representative government, legislative branch, initiative and referendum

ENDURING UNDERSTANDINGS: • State constitutions set up their legislatures according to citizens’ views on the relative power of government. • The initiative and referendum give voters a role in lawmaking.

The upper house in most States has from 30 to 50 members, with as few as 20 senators in Alaska and as many as 67 in Minnesota. The lower house usually ranges between 100 and 150 members. However, there are only 40 seats in Alaska's lower chamber, and New Hampshire's has a whopping 400!

State Legislators

Today, there are 7,382 State legislators—5,411 representatives and 1,971 senators—among the 50 States. Nearly all of them are Republicans or Democrats; fewer than 20 belong to a minor party or are independents.

Qualifications Every State's constitution sets out formal requirements of age, citizenship, and residence for legislators. Most everywhere, a representative must be at least 21 years old and senators must be at least 25. The realities of the politics of the State add informal qualifications far more difficult to meet. They have to do with a candidate's vote-getting abilities, and are based on such things as occupation, name recognition, party, race, religion, national origin, and the like.

Election Everywhere, legislators are chosen by popular vote and, almost everywhere,

candidates for the legislature are nominated at party primaries. Nominees are picked by conventions in only a few States. In Nebraska, the unicameral legislature is organized on a **nonpartisan** basis. Candidates are nominated at nonpartisan primaries, and they are not identified by party in the general election.

In most States, the lawmakers are elected in November of even-numbered years. In four States, however—Mississippi, New Jersey, Virginia, and Louisiana—lawmakers are chosen in the odd-numbered years, in the hope of separating State and local issues from national politics.

Districts Every State's constitution requires that legislators be chosen from districts within the State, and nearly all are now elected from single-member districts. Those districts are drawn by the legislature itself in most States, and they are redrawn (reapportioned) every ten years, in line with the federal census. Gerrymandering is quite common.

Most State legislatures were long dominated by the rural, less-populated areas of the State. In *Baker v. Carr*, 1962, however, the United States Supreme Court held the unfair, unequal distribution of State legislative seats to be a violation of the Equal Protection Clause of the 14th Amendment. That historic

Checkpoint
What are the qualifications for State legislators?

nonpartisan
adj. not belonging to or favoring any political party

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 7 All-in-One, p. 23) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 7 All-in-One, p. 25)

BELLRINGER

Write on the board: **How are State legislatures similar to the U.S. Congress? How are they different? Answer in your notebook.**

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

COMPARE AND CONTRAST

Distribute the Chapter 24 Section 2 Core Worksheet (Unit 7 All-in-One, p. 27). Draw a large Venn diagram on the board—or display the Venn Diagram graphic organizer transparency—and label it in the same way as the one on the Core Worksheet. With students, analyze features of State legislatures by comparing and contrasting them with the U.S. Congress. Have students complete their Venn diagram on the Core Worksheet as you discuss each feature. You may want to compare and contrast the following topics:

- Purpose
- Structure
- Member qualifications
- Election process
- Terms
- Compensation
- Powers

L3 Differentiate Refer students to the chapter on the U.S. Congress if they need help recalling its features.

L2 Differentiate Remind students to use the headings in the section to locate information they may need to fill in the Venn diagram.

L1 ELL Differentiate Check that students understand the meanings of the key terms before you begin. Pronounce the more challenging terms, such as *constituent*. Suggest that students add their own phonetic respellings to the definitions they record in their notebooks.

Answers

Checkpoint Representatives must be at least 21 and senators at least 25. There are usually other formal requirements of age, citizenship, and residence.

Caption Young legislators can represent views of younger constituents and might bring fresh ways of approaching problems.

State representatives Alisha Thomas Morgan of Georgia (left) and Justin Davis of South Dakota (right) were in their early 20s when first elected.

What valuable perspectives might young legislators bring to State government?



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Differentiated Resources

The following resources are located in the All-in-One, Unit 7, Chapter 24, Section 2:

- L3** Reading Comprehension Worksheet (p. 23)
- L2** Reading Comprehension Worksheet (p. 25)
- L3** Core Worksheet (p. 27)
- L2** Extend Activity (p. 28)
- L3** Quiz A (p. 29)
- L2** Quiz B (p. 30)

IDENTIFY AND ORDER

Have students identify the legislative and nonlegislative powers of the State legislatures. With students, list the powers on the board. Have volunteers offer an example of an application of each power. Then ask: **Which power do you think is the most important and why?** Have the class rank the powers in order of importance by voting on each one. Some students may identify police power as the most important. Explain that although the U.S. Congress has taken on some police power over time, this power is still largely reserved to the States.

L1 L2 ELL Differentiate Clarify that *police* in *police power* does not mean the same as “the police.” The meaning here is more closely related to the term *policy*, which is “a plan or set of laws designed to solve a problem.”

L2 Differentiate Have students rank the powers on their own and use the Think-Pair-Share strategy (p. T22) to let them explain their answers to a partner before sharing with the class.



STUDENT DRIVER



MINIMUM WAGE

State law governs many areas of daily life, including, for example, the regulation of drivers' licenses and minimum wage rates above the federal level. **Why are these policies determined at the State level?**

✓ Checkpoint
How long do legislators serve?

decision was soon followed by *Reynolds v. Sims* in 1964. There, the Court held that the Equal Protection Clause requires every State to draw its legislative districts on the basis of population equality.

Terms Legislators are elected to either two-year or four-year terms. Representatives serve two-year terms in 44 States and four-year terms in Alabama, Louisiana, Maryland, Mississippi, and North Dakota. Senators win four-year terms in 38 States (including Nebraska), and only two-year stints in the other 12.

Fifteen States now limit the number of terms any person can serve. In most, the limit is placed on service in each chamber, separately. In a few, the restriction is applied to total legislative service in either house.

The rate of **turnover** in legislative seats is fairly high, although it tends to vary from State to State and time to time. In a given year, some 20 percent of all lawmakers around the country are serving their first term in office. The major reasons for that turnover appear to be low pay, political instability, and term limits. Lawmakers tend to remain in office longer in those States that pay higher salaries and where one party regularly wins elections.

Compensation Far too often, capable men and women refuse to run for seats in the legislature because of the financial sacrifices that service usually entails. Legislative pay

varies considerably and so the situation is more trying in some States than others. California now pays lawmakers \$116,208 per year, plus benefits. Oregon provides a more typical example of the compensation package. There, the total compensation per member comes to just about \$30,000 per year.

Clearly, decent salaries in line with the responsibilities of the job will not automatically bring the most able men and women into State legislatures. Certainly, better salaries can make public service much more appealing to qualified people.

Sessions Little more than a generation ago, only a handful of State legislatures met in regular sessions each year, and then usually for only a few months or so. Most met only every other year. It has long since become apparent that the legislature's workload cannot be properly handled on so limited a basis.

Today, 44 State lawmaking bodies hold their regular sessions annually, and most of those sessions run for three to five months or more. Several legislatures are now in session nearly year-round.

In every State, the governor, and in three fourths of them the legislature itself, can call the body into special session. Those meetings, most common in States where legislators meet infrequently, allow lawmakers to take up urgent matters between their regularly scheduled sessions.

turnover
n. rate at which people enter and leave a group

Answers

Caption Possible response: so that regulations can meet local conditions and needs (For example, States that have difficulty filling entry-level jobs may choose to pay a higher minimum wage.)

Checkpoint either two- or four-year terms; 15 States have term limits

Background

NEBRASKA'S UNIQUE LEGISLATURE Nebraska's unicameral, nonpartisan legislature resulted largely from the reform efforts of George Norris, who represented Nebraska in the U.S. Congress for more than 40 years. “[T]here is no sense or reason in having the same thing done twice, especially if it is to be done by two bodies of men elected in the same way and having the same jurisdiction,” he insisted. Norris argued that the State supreme court and the governor would provide sufficient checks and balances. Also, unlike the closed-door secrecy of bicameral conference committees, the unicameral legislature would conduct all activities in open forum. In this way, the press and public opinion could check possible abuses. When Nebraska's unicameral amendment took effect in 1937, it abolished one house, reducing the number of legislators on the payroll from 133 to 43—a cost savings of nearly 70 percent.

Powers of the Legislature

No State's constitution lists all of the powers vested in the legislature—nor could it. In each State, the legislature has all of those powers that (1) the State constitution does not grant exclusively to the executive or judicial branches or to local governments, and (2) neither the State constitution nor the United States Constitution denies to it. In effect, most of the powers held by a State are vested in its legislature.

Lawmaking Powers The fact that the legislature can enact any law that does not conflict with any provision in federal law or in the State constitution means that there can be no all-inclusive list of the legislature's powers. Its more important powers are usually set out in the State constitution, however. Those most often mentioned include the powers to tax, spend, borrow, establish courts and fix their jurisdiction, define crimes and provide for their punishment, regulate commercial activities, and maintain public schools.

Every State's legislature possesses the **police power**—the State's hugely important power to protect and promote the public health, public safety, public morals, and the general welfare. Recall, most of what government does in this country today is done by the States (and their local governments), and most of what they do is done through the exercise of the police power. In short, that extraordinarily broad authority is the power to **safeguard** the welfare of the people of the State, and it is the basis for much of what State legislatures do.

Nonlawmaking Powers All 50 State legislatures possess certain nonlegislative powers, in addition to those they exercise when they make a law.

In the separation of powers and checks and balances scheme, the legislature exercises some *executive* powers. It has the power to approve or reject the governor's appointment of a number of officials. In some States, the legislature itself appoints various executive officials.

The legislature also has certain *judicial* powers, capped by the power of impeachment. In every State except Oregon, the legislature

can remove any State officer in the executive or judicial branch through that process. Each chamber also has the power to discipline and even expel one of its own members.

Recall that the legislature plays a significant role in both constitution-making and the constitutional amendment process. When, for example, it proposes an amendment to the State's constitution, it is not making law. It is, instead, exercising a nonlegislative power: the **constituent power**.

Organization and Lawmaking

Both the organization and the procedures of State legislatures are similar to those found in Congress. Much of what legislatures do centers around presiding officers and a committee system.

Presiding Officers Those who preside over the sessions of the States' lawmaking chambers are almost always powerful political figures, not only in the legislature itself but elsewhere in State politics.

The lower house in each of the 49 bicameral bodies elects its own presiding officer, known everywhere as the speaker. The senate chooses its own presiding officer in 27 States; in the other 23, including Nebraska, the lieutenant governor serves as president of the senate. Where the lieutenant governor does preside, the senate selects a president *pro tempore* to serve in the lieutenant governor's absence.

Except for the lieutenant governors, each of these presiding officers is chosen by a vote on the floor of his or her chamber. In fact, the majority party's caucus usually picks those who fill the leadership posts, just before the legislature begins a new term.

The chief duties of these presiding officers revolve around the conduct of the legislature's floor business. They refer bills to committee, recognize members who seek the floor, and interpret and apply the rules of their chamber to its proceedings.

Unlike the Speaker of the House in Congress, the speaker in nearly every State appoints the chair and other members of each house committee. The senate's president or president *pro tem* has that same power in just over half the States. The presiding officers

Checkpoint
Why is the police power important?

DISCUSS THE ESSENTIAL QUESTION

Write the Unit 7 Essential Question on the board: **What level of government has the greatest impact on your life?** Discuss students' ideas about how the State and the National governments affect their lives directly and which level affects them more. Tell students to recall that the police power is reserved to State governments. Ask: **How does the police power affect the lives of the State's citizens?** (*gives State legislatures broad control over local issues of safety and public welfare, giving them great influence over citizens' lives*) **On what level of government do you think most citizens have the greatest impact?** (*Most students will say State and local government.*) **Do citizens have the most control where government has the greatest impact on their lives?** Discuss the importance in a democracy of this relationship between citizens and government.

DISCUSS CITIZEN PARTICIPATION

Discuss the voters' direct role in the legislative process at the State level. Have volunteers name the two types of *initiatives* (*direct and indirect*) and the three types of *referenda* (*mandatory, optional, and popular*) as you write them on the board. (Point out the plural, *referenda*.) Ask: **What types of laws do voters usually want to change? Why do you think this is?** Ask students what types of laws they would like to add or change in their State.

L1 L2 ELL Differentiate Define *referendum* (a process in which a legislature refers a measure to voters for final approval or rejection) and *initiative* (a process in which voters sign petitions to begin a law) for the class.

L3 L4 Differentiate Ask students to write a journal entry that examines the reasons why the initiative and referendum are not used at the national level.

safeguard
v. to protect or ensure

Political Cartoon Mini-Lesson

Display the political cartoon Transparency 24C, Ballot Initiatives, when you discuss direct participation of voters in the lawmaking process. This cartoon illustrates why government officials might be less than thrilled with the initiative process. Ask: **Whom do the people in the cartoon represent?** (*a king and queen or, more broadly, powerful government officials*) **What is happening to these people?** (*They are imprisoned in shackles.*) **What does the cartoon suggest about why government officials might oppose ballot initiatives?** (*Through initiatives, voters can restrain the government's power.*)

Answers

Checkpoint It is the broad authority reserved to the States that has the greatest effect on the daily lives of citizens because it involves issues of public health, safety, morals, and general welfare.

EXTEND THE LESSON

L3 Have students make a fact sheet about their State's legislature, including its origins, official name, structure, qualifications and election of members, terms, and compensation.

L3 Differentiate Display Transparency 24D, Factors Influencing State Legislators, and discuss key influencing factors regarding an issue. Ask: **Which major factor shown here influences decisions State legislators must make about issues?** (*responsibility to many [five] groups*)

L1 L2 ELL Differentiate Ask students to draw a concept web titled "Sources of Bills" using the information under that heading in the text.

L2 Differentiate Distribute the Extend Activity "The State Legislature and You" (Unit 7 All-in-One, p. 28), which asks students to write to their State legislators about issues important to them.

L2 L3 Differentiate Have students work in pairs to design and create a graphic representation of the powers of State legislatures.

L4 Differentiate Instruct students to research the origins, provisions, and status of a bill currently active in their State legislature and report their findings to the class. Ask them to include the source of the bill and who is sponsoring it.

L4 Differentiate Tell students to review the material on the police power in their textbook. Explain that since the New Deal, the U.S. Congress has taken on the police power in certain circumstances. Have students do research and write a short report on one example of when Congress has exercised the police power.

Tell students to go to the Audio Tour to listen to a guided audio tour of the *How Government Works* diagram, "Initiative and Referendum."

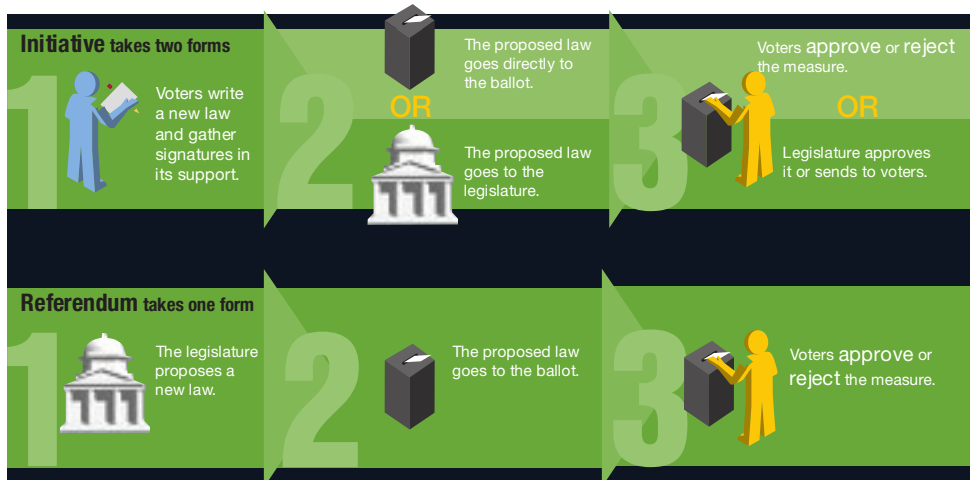
Answers

Initiative and Referendum Legislators may view initiatives as intruding on their power or as interference by people who do not understand the full consequences of their proposals.

Checkpoint refer bills to committee, recognize members who seek the floor, interpret and apply rules of chamber and its proceedings, appoint committee members and chairs

Initiative and Referendum

Voters in many States can write new laws or prevent laws from taking effect through the initiative and the referendum. **Why do you think many legislators oppose the initiative process?**



Checkpoint
What do a legislature's presiding officers do?

regularly use this power much as they do their other powers: to reward their friends, punish their enemies, and otherwise work their influence on the legislature and its product.

Committees Several hundred or, in many larger States, several thousand measures are introduced at each session of the legislature. That flood of bills makes the committee system as practical and necessary at the State level as it is in Congress. Much of the work of the legislature is done in committee, where members sift through that pile of proposed legislation, deciding which bills will go on to floor consideration and which will fall by the wayside.

The standing committees of each house are regularly organized on a subject-matter basis—as committees on finance, education, highways, and so on. A bill referred to one of these committees may be amended or even largely rewritten there. Or, as frequently happens, it may be ignored altogether.

"Pigeonholing" occurs in the States as in Congress. In fact, in most States one of the

standing committees in each house is usually the "graveyard committee." Bills are sent there to be buried. The judiciary committee, to which bills may be referred "on grounds of doubtful constitutionality," often fills this role.⁶

Sources of Bills Legally, only a member may introduce a bill in either house in any State's legislature. So, in the strictest sense, legislators themselves are the source of all measures the legislature considers. In broader terms, however, the lawmakers are the authors of only a handful of bills.

A large number of measures come from public sources, from officers and agencies in the State executive branch, and from local governments. Every State governor has a legislative program, often extensive and bold.

Many bills come from the private sector. Indeed, interest groups appear to be the

⁶ A striking illustration of a graveyard committee existed for several years in landlocked Oklahoma: the Committee on Deep Sea Navigation.

How Government Works

INITIATIVES Have students apply the *How Government Works* diagram, "Initiative and Referendum," on this page to your State or another specific State. Have students identify a State in which voters may propose constitutional amendments or legislation through the initiative process. Ask them to write a brief description of a specific initiative proposed by the people of the State, and answer these questions: **How many supporting signatures were required? Did the initiative go directly to the ballot or to the legislature? Would you support or oppose this initiative? Why? What was the outcome?** For an audio tour of the "Initiative and Referendum" diagram, go to **PearsonSuccessNet.com**.

largest single source of proposed legislation. Remember, those groups and the lobbyists who represent them exist for one overriding purpose: to influence public policy to the benefit of their own particular interests. Of course, some measures do originate with private individuals—business owners, farmers, union members, and other citizens—who, for one reason or another, think, “There ought to be a law. . . .”

Direct Legislation

In several States, voters themselves can take a direct part in the lawmaking process. The main vehicles for that participation are the initiative and the referendum.

Initiative Through the initiative process, voters in 18 States can propose amendments to the State’s constitution. In those States and six others, they can also use that process to propose ordinary statutes. The initiative takes two quite different forms: the more common direct initiative and the little-used indirect initiative.

In both forms, a certain number of qualified voters (which varies from State to State) must sign petitions to initiate a law. Where the direct initiative is in place, a measure with sufficient signatures goes directly to the ballot, usually in the next general election. If voters approve the measure, it becomes law. If not, it dies. Where the indirect form is found,

a proposed measure goes first to the legislature. If that body approves the measure, it becomes law. If the legislature fails to pass it, the measure then goes to the voters.

Referendum A **referendum** is a process in which the legislature refers a measure to the voters for final approval or rejection. The referendum takes three different forms: mandatory, optional, and popular.

A **mandatory referendum** occurs in those situations in which the legislature must send a measure to the voters. Recall, in every State except Delaware, a proposed constitutional amendment must be submitted to the electorate. In several States some other measures, such as providing for the borrowing of funds, must also go to the voters.

An **optional referendum** involves a measure that the legislature has referred to the voters voluntarily. Such measures are rare. They usually involve “hot potato” issues: issues that lawmakers would prefer not to take direct responsibility for deciding themselves.

Under the **popular referendum**, a group of citizens may demand by petition that a measure passed by the legislature be referred to the voters for final action. Most attempts to use this form of the referendum fail. Most often, the opponents of a particular measure simply cannot gather the required number of signatures to force a popular vote on the target of their ire.

Checkpoint
What is direct legislation?

initiate
v. to begin, launch, set in motion

ire
n. anger, outrage

SECTION 2 ASSESSMENT

Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your **Essential Questions Journal**.

1. Guiding Question Use your completed table to answer this question: What are the defining traits and purpose of State legislatures?

Key Terms and Comprehension
2. What are the purposes of the **police power**?

3. What three nonlegislative powers does a State legislature have?

Critical Thinking

4. Demonstrate Reasoned Judgment Do you think that State legislators should be paid a generous salary? Why or why not?

5. Analyze Information Would you support an amendment to your State’s constitution that would provide for a unicameral legislature? Why or why not?

Quick Write

Explanatory Writing: Organize Your Ideas Review your list of questions and loosely categorize them under various topics, such as “State Legislatures” or “Powers of the Executive.” Select two or three categories that relate most closely to the concept of the effects of State governments on the lives of citizens. Use your textbook or other resources to take notes to answer each of the questions under your selected categories.

Assessment Answers

1. State legislatures are the lawmaking bodies in the States. They vary in size and structure. All but Nebraska are bicameral. Legislators are selected by popular vote. Qualifications, terms, and compensation vary, as do the length and frequency of sessions. State legislatures have legislative powers—especially the police power, which is reserved to them—as well as nonlegislative powers, which include executive powers, judicial powers, and constituent powers. State legislatures are organized much as the U.S.

Congress is, with presiding officers and a committee system.

2. to protect and promote public health, safety, morals, and general welfare
3. executive powers, such as approval of governor’s appointments; judicial powers, such as the power of impeachment; constituent powers, such as revising and amending the State’s constitution

4. Answers will vary. Students may cite the need to attract the best candidates for these important positions with appropriate compensation.

5. Answers should consider the main argument on both sides: in a bicameral legislature, one house acts as a check on the other; in a unicameral legislature, lawmaking might be more efficient.

QUICK WRITE A strong assignment will include reasonable categories and answers relating State government actions to the lives of citizens.

Assess and Remediate

- L3** Check students’ work on the Core Worksheet. (Unit 7 All-in-One, p. 27)
- L3** Assign the Section 2 Assessment questions.
- L3** Section Quiz A (Unit 7 All-in-One, p. 29)
- L2** Section Quiz B (Unit 7 All-in-One, p. 30)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
The defining traits and purposes of State legislatures (Questions 1, 2, 3, 5)	On the board, draw a table similar to the one in the section opener. Review with students the information they recorded on State legislatures about their structure, powers, and features. Tell students to add any information they did not already have in their own charts.
Compensation of State legislators (Question 4)	Have groups find out how much the legislators are paid in their State and then compare the legislators’ pay rates with those of other jobs.

Answers

Checkpoint the direct participation of voters in the lawmaking process

GUIDING QUESTION

What are the roles and powers of a governor?

Roles and Responsibilities		
Executive	Legislative	Judicial
<ul style="list-style-type: none">• carry out laws• appoint/remove subordinates• supervise executive branch• prepare budget• commander in chief of State's National Guard	<ul style="list-style-type: none">• recommend legislation• call special sessions• veto legislation	<ul style="list-style-type: none">• powers of clemency: pardon, commute, reprieve, parole

Get Started

LESSON GOALS

- Students will . . .
- complete a chart to examine the powers of a State governor.
 - complete a worksheet to compare and contrast State governorships with the U.S. presidency.
 - participate in a mock meeting to investigate the roles and responsibilities of State executive officers.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and Reading Comprehension Worksheet (Unit 7 All-in-One, p. 31) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 7 All-in-One, p. 33)

SKILLS DEVELOPMENT

PROBLEM SOLVING

To practice problem solving in this section, use the Chapter 24 Skills Worksheet (Unit 7 All-in-One, p. 37). You may teach the skill explicitly before students begin studying about State governors. For L2 and L1 students, assign the adapted Skill Activity (Unit 4 All-in-One, p. 38).

SECTION 3

The Governor and State Administration



Guiding Question
What are the roles and powers of a governor? Use a chart to identify the roles and responsibilities of a governor.

Roles and Responsibilities		
Executive	Legislative	Judicial
<ul style="list-style-type: none">• Carry out laws••	<ul style="list-style-type: none">•••	<ul style="list-style-type: none">•••

- Political Dictionary**
- recall
 - item veto
 - clemency
 - pardon
 - commutation
 - reprieve
 - parole

- Objectives**
1. Describe the main features of the office of governor.
 2. Summarize a governor's roles, powers, duties, and the limitations of the office.
 3. List and describe the other executive offices at the State level.

Image Above: Governor M. Jodi Rell, Republican of Connecticut, signs a bill into law.

The governor is the principal executive officer in each of the 50 States. He or she is always a central figure in State politics and is often a well-known national personality as well. Governors today occupy an office that is the direct descendant of the earliest public office in American politics, the colonial governorship, first established in Virginia in 1607.

The Governorship

In colonial America, the actions of the royal governors inspired much of the resentment that fueled the Revolution. That attitude was carried over into the first State constitutions. Most of the powers of government were given to the legislatures; the new State governors, for the most part, had little real authority. In every State except Massachusetts and New York, the governor was chosen by the legislature, and in most of them only for a one-year term. And only in three States did the governor have a veto power.

That original separation of powers soon proved unsatisfactory. Many of the State legislatures abused their powers. Several fell prey to special interests, and the governors were unable to respond. So, as new constitutions were written, and the older ones revised, the powers of the legislatures were curbed and the powers of the governors generally increased.

Beginning with Illinois in 1917, most States have redesigned and strengthened the executive branch to make the governor the State's chief executive in more than name. Some States have gone further than others in this direction, but, overall, governors are much more powerful figures today than in decades past.

Qualifications Anyone who wants to become the governor of a State must be able to satisfy a set of formal qualifications. Typically, he or she must be an American citizen, of at least a certain age (usually 25 or 30), have lived in the State for a given period of time (most often for at least five years), and be a qualified voter. Clearly, these formal qualifications for office are not very difficult to meet. It is the informal qualifications that have real meaning. To become a governor, a person must have those characteristics that will first attract a party's nomination, and then attract the voters in the general election.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • The governor leads the State's executive branch. • State constitutions have strengthened the job of governor over time. • In addition to executive powers, the governor has legislative and judicial powers. • In most States, the governor shares executive power with other elected officials, such as the lieutenant governor, secretary of state, state treasurer, and attorney general.

CONCEPTS: separation of powers, federalism, leadership

ENDURING UNDERSTANDINGS: • The presidency and governorships have many similarities, but most governors share executive power with other elected officials. • Governors possess some legislative and judicial powers.

Those characteristics vary from State to State, and even from election to election within a State. Race, sex, religion, name recognition, personality, party identification, experience, ideology, the ability to use television effectively—these and several other factors are all part of the mix.

Today, most governors are attorneys in their 40s and 50s. Nearly all of them were State legislators or held another elective office in the State, such as lieutenant governor, attorney general, or mayor of a large city. California's "governor," Arnold Schwarzenegger, is a leading illustration of the fact that someone who has never held public office does sometimes win a governorship.

The first gubernatorial elections occurred in 1775 and more than 2,500 persons have now served as governors of the various States. To this point (2009), only 30 of those governors have been women, and eight of those 30 are in office today.

Two women won governorships in 1924: Nellie Taylor Ross in Wyoming and Miriam "Ma" Ferguson in Texas. They were the first of several women to succeed their husbands as governors. Over the past 30 years, a growing number of women have won the office on their own. Eight women currently hold office, and recent woman governors have included Janet Napolitano (D., Arizona), Jennifer Granholm (D., Michigan), M. Jodi Rell (R., Connecticut), and Sarah Palin (R., Alaska).

Only two African Americans have ever won the office. These two governors were L. Douglas Wilder (D., Virginia) in 1989, and Deval Patrick (D., Massachusetts) in 2006.

Selection The governor is chosen by popular vote in every State. In all but five, only a **plurality** is needed for election. If no candidate wins a clear majority in Arizona, Georgia, or Louisiana, the two top vote-getters meet in a runoff election. If no one wins a majority in Mississippi, the lower house of the legislature picks the new governor. In Vermont, both houses make the choice.

The major parties' gubernatorial candidates are usually picked in primaries. In a few States, however, conventions choose the nominees. Nearly half the States now provide for the joint election of the governor and the

lieutenant governor. In those States, each party's candidates for those offices run as a team, and the voter casts one vote to fill both posts.

Term The one-year gubernatorial term has long since disappeared. Governors are now chosen to four-year terms nearly everywhere. Thirty-six States limit the number of terms a governor may serve, usually to two terms.

Governors who do run for another term most often win. Five four-term governors hold the modern record for gubernatorial service—16 years.⁷

Succession Governors are mortal. Occasionally, one of them dies in office. Many of them are also politically ambitious. Every so often, one resigns in midterm—to become a United States senator or to accept a presidential appointment, for example.

When a vacancy does occur, it sets off a game of political musical chairs in the State. The political plans and timetables of ambition of a number of public personalities are affected by the event. No matter what causes a vacancy, every State's constitution provides for a successor. In 44 States the lieutenant governor is first in line. In Maine, New Hampshire, and West Virginia, the president of the senate succeeds. In Arizona, Oregon, and Wyoming, the office passes to the secretary of state.

Removal The governor may be removed from office by impeachment in every State except Oregon. Only five governors have been impeached and removed since the **turbulent** Reconstruction years after the Civil War. Only one—Arizona's Evan Mecham in 1988—has suffered that fate in the past 70 years.

In 18 States, the governor may be recalled by the voters.⁸ The **recall** is a petition procedure by which voters may remove an elected

Checkpoint
What are common characteristics of governors?

gubernatorial
adj. of or relating to a governor

turbulent
adj. disorderly, stormy

plurality
n. the largest total

- 7 The all-time record for both gubernatorial service and electoral success belongs to George Clinton of New York. He sought and won seven three-year terms as governor and held the office from 1777 to 1795 and again from 1801 to 1804. He was later Vice President of the United States, from 1805 to 1812.
- 8 Alaska, Arizona, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Michigan, Minnesota, Montana, Nevada, New Jersey, North Dakota, Oregon, Rhode Island, Washington, Wisconsin.

BELLRINGER

Write the following on the board: **A majority of U.S. presidential candidates and many Presidents have been governors. Why do you think voters often select former governors as President? Answer in your notebook.**

L2 Differentiate Rephrase the directions. Ask: **Do you think a governor or a U.S. Senator would make a better President? Explain your choice in your notebook.**

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

INTRODUCE THE TOPIC

Tell students that they will discuss the main executive officers at the State level, including the governor. On the board, draw a three column chart titled "Powers of a State Governor." Label the sections "Executive Powers," "Legislative Powers," and "Judicial Powers." Have students complete the chart by adding examples of each type of power mentioned in the text. Discuss with students how these powers enable a governor to run a State.

L2 ELL Differentiate Have students create vocabulary flash cards for terms in the Political Dictionary, with the term on one side and the definition from the Glossary on the other, and work with partners to test their knowledge.

COMPARE A GOVERNORSHIP AND THE PRESIDENCY

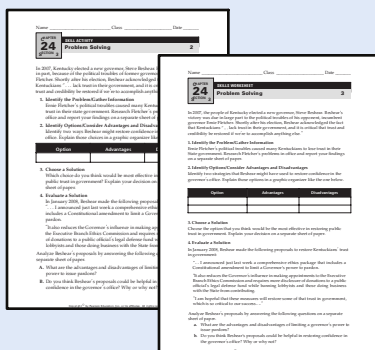
Remind students of the role of the executive branch in the National Government—that the President is *the* executive in the National Government, while a governor is the *chief* executive in the State's government. Based on their answers to the Bellringer question, discuss with students how being a governor might prepare a person to be President. Have students identify powers listed in the chart that both positions share, and circle them.

L1 L2 Differentiate Tell students to copy the chart in their notebooks to help them study for assessments on the topic.

Differentiated Resources

The following resources are located in the All-in-One, Unit 7, Chapter 24, Section 3:

- L3** Reading Comprehension Worksheet (p. 31)
- L2** Reading Comprehension Worksheet (p. 33)
- L3** Core Worksheet A (p. 35)
- L3** Core Worksheet B (p. 36)
- L3** Skills Worksheet (p. 37)
- L2** Skill Activity (p. 38)
- L3** Quiz A (p. 39)
- L2** Quiz B (p. 40)



Answers

Checkpoint attorneys in their 40s and 50s, former State legislators or holders of other elective State offices, male, white

DISTRIBUTE CORE WORKSHEET A

Distribute Chapter 24 Section 3 Core Worksheet A (Unit 7 All-in-One, p. 35). Explain to students that they will use the worksheet to compare and contrast the job of a governor and that of the U.S. President. Students should complete the chart and formulate an answer to the worksheet question. If your classroom has Internet access, you may wish to have students complete the chart using specific information for your State.

NAME _____ CLASS _____ DATE _____

CHAPTER 24

CORE WORKSHEET A

SECTION 3

The Governor and State Administration

3

The National and State Chief Executives

Complete the chart below to compare and contrast roles, duties, and other features of the U.S. presidency and a State governorship. Then answer the questions that follow.

	President	State Governor
Qualifications		
Selection		
Term		
Main roles		
Succession		
Executive or cabinet departments		

In general, how is a State governorship similar to the presidency? How is it different?

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Government
online

All print resources are available on the Teacher's Resource Library CD-ROM and online at PearsonSuccessNet.com.



►► **Analyzing Political Cartoons** In 2003, California voters had to choose whether to recall the governor and which of 135 candidates should replace him in a special double election. *Why did the cartoonist include a clown among the candidates?*

intangible
n. something that is not concrete or easily defined

official from office before the completion of his or her regular term. The process generally works this way: If a certain number of qualified voters—usually 25 percent of the number who voted in the last election held for the office—sign recall petitions, a special election must be held in which the voters decide whether to remove or instead, retain, the officeholder.

To this point, only two governors have ever been recalled: Governor Lynn J. Frazier of North Dakota, a Republican, in 1921, and Governor Gray Davis of California, a Democrat, in 2003.

Compensation In many respects, a governor's job is not unlike that of the chief executive officer of one of the nation's larger corporations. Both administer hugely complex organizations, manage the work of thousands of employees, and oversee the spending of incredible amounts of money. Governors are not paid nearly so well as the CEOs of large companies, however. The latter make tens of millions of dollars per year in salary and benefits.

In contrast, most governors earn little more than \$100,000 per year. Salaries now range from \$70,000 per year in Maine and \$85,000 in Tennessee to \$206,500 in California. Most States provide their chief executive with an official residence, often called

fragmented
adj. split, separated into many pieces

a governor's mansion, and money for travel and other expenses.

To the governor's salary and other material compensations must be added the **intangibles** of honor and prestige that go along with the office. It is this factor, and a sense of public duty, that often persuades many of our better citizens to seek the office. Several Presidents were governors before reaching the White House, including Bill Clinton and George W. Bush.

A Governor's Many Roles

Much like the President, a governor plays a number of different roles. He or she is, simultaneously, an executive, an administrator, a legislator, a party leader, an opinion leader, and a ceremonial figure. What the office amounts to depends, in no small part, on how well the governor plays each—and all—of these roles. And that must depend, in turn, on his or her personality, political muscle, and overall abilities.

Many of a governor's formal powers are hedged with constitutional and other legal restrictions. Nonetheless, the powers a governor does have, together with the prestige of the office, make it quite possible for a capable, dynamic person to be a "strong" governor, one who can accomplish much for the State and for the public good.

Executive Powers

The presidency and the governorships are similar in several ways, but the comparison can be pushed too far. Remember, the Constitution of the United States makes the President the executive in the National Government. State constitutions, on the other hand, regularly describe the governor as the *chief executive* in the State's government. The distinction here, between *the* executive and the *chief executive*, is a critical one. The executive authority is **fragmented** in most States, but it is not at the national level.

In nearly every State, the executive authority is shared by a number of "executive officers"—a secretary of state, an attorney general, a treasurer, and so on. Most of these executive officers are, like the governor,

Background

SUCCESSION Before 2005, New Jersey had no lieutenant governor. A vacancy in the governorship was filled by the president of the senate, who continued to serve as senator—thus sidestepping the separation of powers. In those cases, the same person could sponsor a bill and then sign it into law. When Governor Christie Whitman stepped down early, the senate president served as acting governor until his term expired a week before newly elected Governor James McGreevey was sworn in. The new senate president should have filled the governor's role until McGreevey took office, but because the legislature was evenly divided between parties, the senate presidency was shared. The two men agreed to split the week, each serving as governor for three and a half days. Four governors in one week prompted officials to move toward creating the position of lieutenant governor.

Answers

Analyzing Political Cartoons to emphasize the ridiculousness of having so many candidates and to poke fun at the politically ambitious pretenders

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EXTEND THE LESSON

L3 L4 Differentiate Have students research to gather data about all the women who have ever served as a State governor. Then have students use that data to make a map titled “Women Governors in U.S. History.” Students should also design a key for their maps.

L1 Differentiate Direct students to create a “My State’s Governor” information sheet, in which they list the governor’s name, party, date elected to office, length of term, number of terms so far, and at least three major initiatives or accomplishments. Have students complete the activity by answering these questions: **Has this governor done a good job? Why or why not?**

L2 ELL Differentiate Tell students to make a chart like the one on Core Worksheet A that compares the job of one of the State officers covered in this section to positions with parallel roles or titles in the federal government. For example, students might compare the roles of the U.S. Attorney General with the role of a State attorney general or lieutenant governor to Vice President.

L2 Differentiate Ask students to find a news story about your State’s governor. Tell them to write a phrase or sentence identifying any powers mentioned in the article that they learned about in this section and tell how they are being applied.

L4 Differentiate Have students analyze the prior jobs of all U.S. Presidents and group them into categories. For example, which U.S. Presidents had been governors, Senators, military leaders, or “other”? Tell students to use the data to create a bar graph or circle graph, and write a summary to explain what it shows about who becomes a U.S. President. Encourage students to analyze their findings and explain any changes that may have occurred throughout U.S. history.

reluctant
adj hesitant, unwilling

The governor’s budget-making power can be a highly effective tool with which to control State administration. Although unable to appoint or remove the head of a particular agency, for example, the governor can use the budget-making power to affect that agency’s programs and have a real impact on those who work in that agency.

Military Powers Every State’s constitution makes the governor the commander in chief of the State militia—in effect, of the State’s units of the National Guard. The National Guard is the organized part of the State militia. In a national emergency, the National Guard may be “called up,” ordered into federal service by the President.

All of the States’ National Guard units were federalized in 1940 and served as part of the nation’s armed forces in World War II. Many units also saw combat duty in Korea, Vietnam, and the Persian Gulf War. Today, National Guard units are on duty in such far-flung places as Bosnia, Kosovo, Afghanistan, and Iraq. Indeed, the Defense Department has relied very heavily on the Guard in the prosecution of recent wars.

When the State’s Guard units are not in federal service (which is most of the time), they are commanded by the governor. On occasion, governors find it necessary to call out the Guard to deal with such emergencies as prison riots, to help fight a dangerous forest fire, to aid in relief and evacuation after a flood, to prevent looting during and after some other natural disaster, and so on.

Legislative Powers

The State’s principal executive officer exercises three significant legislative powers. Those powers, together with the chief executive’s personality, popularity, and political muscle, can make the governor, in fact, the State’s chief legislator.

The Message Power Essentially, the message power is the power to recommend legislation. Remember, much of what lawmakers do is prompted by what the governor has urged them to do. The most effective governors push their wish lists by combining their

use of the formal message power with such informal tactics as close contacts with key legislators and appeals to the public.

Special Sessions The governor in every State has the power to call the legislature into special session. As you know, that power is meant to permit the State to meet extraordinary situations. It can also be an important part of the governor’s legislative arsenal. On many occasions, governors have persuaded **reluctant** lawmakers to pass a particular bill by threatening to call them back in a special session if they adjourn their regular meeting without having approved that measure.

The Veto Power Every governor can veto measures enacted by the legislature. The veto power—including the timely use of threats to invoke the power—can be very useful to the governor as he or she tries to influence what the legislature does or doesn’t do.

In most States, the governor has only a very few days in which to sign or veto a bill—most often, five. If no action is taken within the prescribed period, the measure becomes law without his or her signature.

Only 11 States give the governor a pocket veto.⁹ So, in most States, those bills a governor neither signs nor vetoes become law. Forty-four States give the governor the **item veto**—the power to eliminate one or more items from a bill without rejecting the entire measure. It is used most often on spending measures.

As in the Federal Government, the legislature may attempt to override a veto. In most States, a veto requires a two-thirds majority in both houses.

Judicial Powers

In every State the chief executive has some authority of a judicial nature. Principally, the governor has various powers of executive **clemency**: powers of mercy that may be shown to persons convicted of crime.

With the power of **pardon**, the governor may relieve someone of the legal consequences of a crime. In most States, a pardon

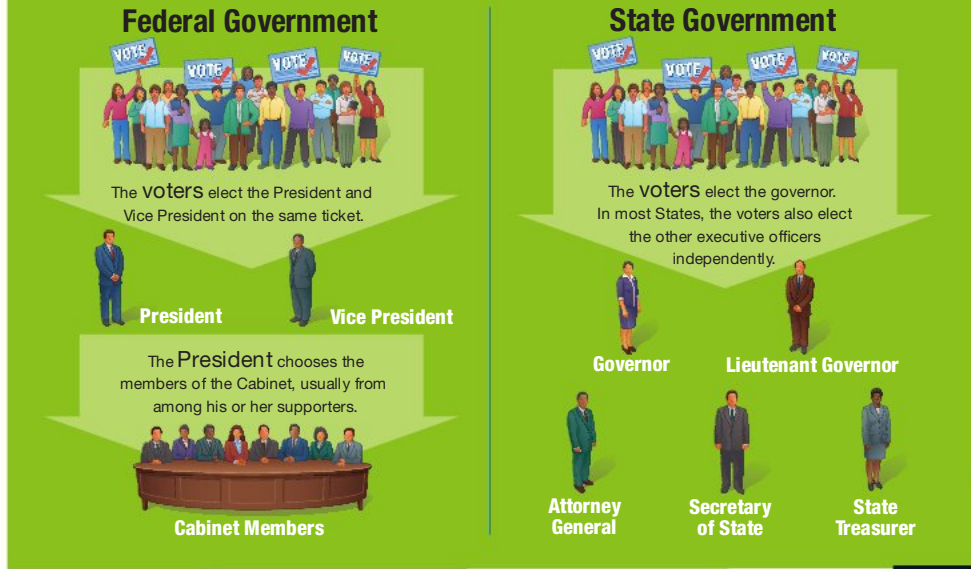
⁹ Alabama, Delaware, Iowa, Kansas, Massachusetts, New Mexico, New York, Ohio, Oklahoma, Vermont, Virginia

Background

THE WALLACES OF ALABAMA Lurleen Wallace of Alabama was the third female governor ever elected in the United States. Oddly enough, her term fell between two of her husband’s. George Wallace was governor of Alabama for two terms, including terms both before and after Mrs. Wallace’s term. When he was elected, Alabama State law prohibited a governor from serving two consecutive terms in office. As a result, Mrs. Wallace ran for office as a representative of her husband, intending to carry out all his policies for him. Although she did accomplish this, she also pushed for several of her own programs, including more funding for State mental hospitals.

Choosing Executive Officers

Many jobs that are filled by presidential appointment in the Federal Government are decided by elections at the State level. *How does the direct election of executive officers empower voters in State government?*



may be full or conditional, and usually it can be granted only after conviction. The power of **commutation** may be used to **commute** a sentence imposed by a court. Thus, a death sentence might be commuted to life in prison, or a sentence might be commuted to "time served," releasing a prisoner from custody.

The power to **reprieve** can be used to postpone the execution of a sentence. Reprieves are normally granted for very brief periods, for example, to allow time for an appeal or because of the late discovery of new evidence in a case. The power of **parole** permits the release of a prisoner short of the completion of a sentence.

The governor may have some or all of these powers of executive clemency. They are often shared, however. For example, the

governor may share the power to pardon with an appointed board of pardons.

Governors have not often abused their clemency powers, but in her first term (1925–1927), Governor Miriam "Ma" Ferguson of Texas pardoned 3,737 convicted felons, an average of more than five per day.¹⁰ The pardons came so thick and fast that several Texas

commute
v. to reduce, make less
severe

¹⁰ Governor James "Pa" Ferguson was impeached and removed by the Texas legislature in 1917. He was later pardoned by the legislature and soon announced that he would run for the governorship again. The State Supreme Court ruled the legislative pardon unconstitutional, however. All of that prompted "Ma" Ferguson to run for governor in 1924. She vented her anger over the treatment of her husband in other ways, too—for example, by refusing any and all extradition requests from other States. Mrs. Ferguson was defeated for reelection in 1926, but did win another two-year term in 1932.

Tell students to go to the Audio Tour to listen to a guided audio tour of the *How Government Works* diagram, "Choosing Executive Officers."

Assess and Remediate

L3 Collect and grade students' work on Core Worksheets A and B using the Rubric for Assessing Performance of an Entire Group (Unit 7 All-in-One, p. 125).

L3 Assign the Section 3 Assessment questions.

L3 Section Quiz A (Unit 7 All-in-One, p. 39)

L2 Section Quiz B (Unit 7 All-in-One, p. 40)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

Background

ATTRACTING JOBS For governors, persuading corporations to locate in their State means jobs for their constituents and a boost for the State's economy. In recent years, Michigan has experienced one of the nation's highest unemployment rates. Governor Jennifer Granholm set her sights on easing this problem. In 2005, she traveled to Nagoya, Japan, to try to entice Toyota to build its planned new factory in Michigan, the heart of America's depressed auto industry. To sweeten the deal, the State legislature authorized \$50 million in incentives. Granholm also used her influence to help Toyota obtain the land it wanted to expand its technical center in Ann Arbor. However, in late 2007, Toyota selected Mississippi for its new factory to open in 2010, lured by Governor Haley Barbour and incentives worth \$296 million.

Answers

Choosing Executive Officers Direct election makes top officials accountable to the voters. Appointees are more accountable to the executive who appointed them.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Roles and responsibilities of a governor (Questions 1, 2, 3)	Make a table on the board listing the roles and powers—executive, legislative, and judicial—of a governor. Ask for examples of gubernatorial actions under each.
Changes in the position and power of the governor since the first State constitutions were written (Question 4)	Have students work with partners and make a before/after chart. They should scan the text under “The Governorship” and record information in the chart about changes in the roles and powers of governors from the early history of the nation.
Appointment of executive officers (Question 5)	Have students reread the text under the heading “Appointment and Removal.” In small groups, have students debate whether or not executive officers should be appointed or elected. As part of the discussion, have groups make a pro/con chart on the issue.

Answers

Checkpoint grants pardons, commutes court sentences, grants reprieves, and paroles prisoners

Assessment Answers

- 1. Executive:** carry out laws, appoint/remove subordinates, supervise executive branch, prepare budget, commander in chief of State’s National Guard; **Legislative:** recommend legislation, call special sessions, veto; **Judicial:** grant clemency; **Miscellaneous:** receive visitors, dedicate public spaces, open State fair, give speeches, help settle labor disputes, represent State interests, endorse causes
- 2.** appointment and removal, supervising the executive branch, budget-making, and being commander of the State’s National Guard

- 3.** *Clemency* is mercy shown to a person convicted of a crime. *Pardon* is relieving a person of the legal consequences of a crime. *Commutation* is reducing a sentence imposed by a court. *Reprieve* is postponing the execution of a sentence. *Parole* is allowing the release of a prisoner short of completing a sentence.
- 4.** Because the early State constitutions were based on events leading to the American Revolution, most governors had limited power and many were chosen by the legislature. This original separation of powers proved unsatisfactory,

- and as time passed, constitutions were changed to increase the power of the governors.
- 5.** possible answers: no, because appointment by the governor would place too much control in the hands of the executive; yes, because authority would be less fragmented and the governor might be able to accomplish more working with people he or she had appointed
- QUICK WRITE** A strong assignment will include many examples and details about the influence of the State government on the students’ lives in support of their selected questions.



newspapers ran daily “pardon columns” rather than separate news stories.

Miscellaneous Duties

In addition to the exercise of executive, legislative, and judicial powers, every chief executive must perform several other, often time-consuming duties. These duties are only hinted at by a listing of the powers of the office.

Among many other things, the governor receives official visitors and welcomes other distinguished personalities to the State, dedicates parks and public and private buildings, opens the State fair, and addresses countless organizations and public gatherings. Beyond those chores, he or she is often called upon to settle labor disputes, travel elsewhere in the country and sometimes abroad to promote the State and its trade interests, endorse any number of worthy causes, and on and on.

Other Executive Officers

In every State, the governor must share control of the administration with a number of other executive officers. Most of those other officials are, like the governor, chosen by voters. The following four positions may be found in most, but not all, State governments.

The lieutenant governor must be ready to succeed to the governorship should a vacancy

occur, and, in half the States, presides over the senate. The office can be a stepping-stone to the governorship by succession or by future elections. It remains, in many places, not much more than a part-time job.

The secretary of state serves as the State’s chief clerk and records-keeper. He or she has charge of a great variety of public documents, records the official acts of the governor and the legislature, and usually administers the election laws.

The treasurer is the custodian of State funds, often the State’s chief tax collector, and regularly the State’s paymaster. Other names for this position include chief financial officer, director of finance, the commissioner of finance, and the comptroller of public accounts. The treasurer’s major job is to make payments out of the State treasury to pay salaries and bills associated with State government.

The attorney general is the State’s chief lawyer. He or she acts as the legal advisor to State officers and agencies as they perform their official functions, represents the State in court, and oversees the work of local prosecutors as they try cases on behalf of the State.

Much of the power of the office centers on the attorney general’s formal written interpretations of constitutional and statutory law. These interpretations, called opinions, are issued to answer questions raised by officials regarding the lawfulness of their actions or proposed actions.

SECTION 3 ASSESSMENT

Essential Questions Journal

To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

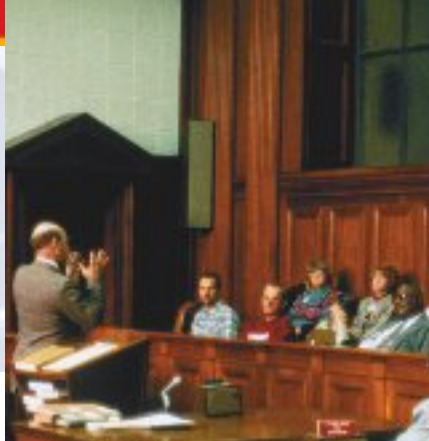
- 1. Guiding Question** Use your completed chart to answer this question: What are the roles and powers of a governor?
- Key Terms and Comprehension**
- 2.** What executive powers do most governors have?
- 3.** Briefly explain each of a governor’s judicial powers: **clemency, pardon, commutation, reprieve, and parole.**
- Critical Thinking**
- 4. Summarize** How has the position and power of the governor relative to the legislature evolved since the first State constitutions were written?
- 5. Identify Central Issues** Should the governor of your State be able to appoint the other executive officers now chosen by voters? Why or why not?

Quick Write

Explanatory Writing: Research for Examples and Details When writing an explanatory essay, you should include examples illustrating the concepts or processes you discuss. Use your textbook, the library, or reliable Internet sources to add details and examples to the notes you have made about each of your categories. As you read each section of this chapter and learn new information, you may also want to add or replace questions.

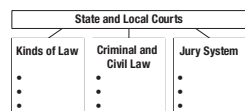
SECTION 4

In the Courtroom



Guiding Question

How do State and local courts apply different types of law? Use a flowchart similar to the one below to explain the significance of elements of the legal system.



Political Dictionary

- common law
- precedent
- criminal law
- felony
- misdemeanor
- civil law
- tort
- contract
- jury
- information
- bench trial

Objectives

1. Identify and define the kinds of law applied in State courts.
2. Compare and contrast criminal law and civil law.
3. Describe the types and purposes of juries and juror selection.

The principal function of the State courts is to decide disputes between private parties and between private parties and government. In addition, because nearly all of these courts have the power of judicial review, they act as checks on the conduct of all other agencies of both State and local government.

Kinds of Law Applied in State Courts

The law is the code of conduct by which society is governed.¹¹ It is made up of several different forms, including constitutional law, statutory law, administrative law, common law, and equity.

The highest form of law in this country is *constitutional law*. It is based on the United States Constitution and the State constitutions and on judicial interpretations of those documents. *Statutory law* consists of the statutes (laws) enacted by legislative bodies, including the United States Congress, the State legislature, the people, and local governments. *Administrative law* is composed of the rules, orders, and regulations issued by federal, State, or local executive officers, acting under proper constitutional and/or statutory authority.

Common Law The common law makes up a large part of the law of each State except Louisiana.¹² **Common law** is unwritten, judge-made law that has developed over centuries from those generally accepted ideas of right and wrong that have gained judicial recognition. It covers nearly all aspects of human conduct. State courts apply common law except when it is in conflict with written law.

The common law originated in England. It grew out of the decisions made by the king's judges on the basis of local customs. It developed as judges, coming upon situations similar to those found in earlier cases, applied and reapplied the rulings from those earlier cases. Thus, little by little, the law of those cases

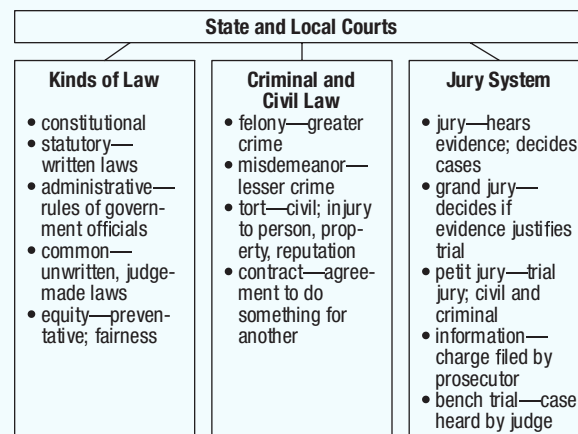
¹¹ In its overall sense, the term *law* may be defined as the whole body of "rules and principles of conduct which the governing power in a community recognizes as those which it will enforce or sanction, and according to which it will regulate, limit, or protect the conduct of its members"; *Bouvier's Law Dictionary*, 3rd revision, Vol. II.

¹² Because of an early French influence, Louisiana's legal system is largely based on French legal concepts, derived from Roman law. Nevertheless, the common law has worked its way into Louisiana law.

Image Above: Jury trial

GUIDING QUESTION

How do State and local courts apply different types of laws?



Get Started

LESSON GOALS

Students will . . .

- demonstrate knowledge of the five forms of law by completing a concept web.
- compare and contrast features of criminal versus civil law.
- analyze summaries of court cases.

SKILLS DEVELOPMENT

DRAW INFERENCES AND CONCLUSIONS

Before students work on the Core Worksheet in this lesson, you may want to review tips on drawing inferences and conclusions in the Skills Handbook, p. S19.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • The law is the code of conduct by which society is governed. • The principles of common law and equity derive from English legal traditions, while constitutional law and statutory law are based in written documents. • Criminal law defines crimes and punishments. • Civil law applies to noncriminal disputes. • The jury system includes the grand jury and the petit jury.

CONCEPTS: precedent, jury trial, judicial branch

ENDURING UNDERSTANDINGS: • Each form of law applies to its own category of disputes and legal questions. • The jury system follows a clear and complicated process to guarantee justice to all.

compelling
adj. very good;
powerful

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 7 All-in-One, p. 41) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 7 All-in-One, p. 42)

BELLRINGER

Write the following on the board: **Create a concept web titled “The Five Forms of Law,” based on information from this section. Include words that describe the features of each form.**

L1 L2 Differentiate Tell students that a concept web is built on details that support a main idea. Display the blank Concept Web transparency.

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

DISCUSS THE FIVE FORMS OF LAW

Draw a concept web on the board or display the Concept Web graphic organizer transparency to record information about the five forms of law as a class: constitutional, statutory, administrative, common, and equity.

Have students add their information from the Bellringer to the whole-class concept web. Tell students to record any new information from this discussion in their individual concept webs.

L2 Differentiate Display Transparency 24F, Five Forms of Law Applied in State Courts, for group discussion.

CONTRAST CIVIL AND CRIMINAL LAW

Write the categories “Civil Law” and “Criminal Law” on the board. For each category, have students suggest reasons why people are taken to court. (*civil: breach of contract, dispute over property ownership, divorce; criminal: murder, theft, trespassing, speeding*) Ask students to explain how the two categories are different. (*civil law—disputes between people and between people and the government not covered by criminal law; criminal law—felonies and misdemeanors—public wrong-doing prohibited by written law*) Ask volunteers to categorize crimes into felonies and misdemeanors. (*felonies: murder, theft, arson, manslaughter; misdemeanors: traffic violations, trespassing*)

L1 ELL Differentiate Pronounce and define *misdemeanor* and *felony* for students.

Answers

Checkpoint constitutional, statutory, administrative, common, and equity

became *common* throughout England and, in time, throughout the English-speaking world.

American courts generally follow that same rule. A decision, once made, becomes a **precedent**, a guide to be followed in all later, similar cases, unless **compelling** reasons call for either an exception or its abandonment and the setting of a new precedent.

The common law is extremely important. Statutory law does override common law, but many statutes are based on the common law. A great many statutes are, in effect, common law translated into written law.

Equity This branch of the law supplements common law. It developed in England to provide equity—“fairness, justice, and right”—when remedies under the common law fell short of that goal.

The common law is mostly remedial, while equity is preventative. Thus, the common law applies to or provides a remedy for matters after they have happened; equity seeks to stop wrongs before they occur.

Suppose your neighbors plan to add a room to their house. You think that a part of the planned addition will be on your land and will destroy your rose garden. You can prevent the construction by getting an injunction, a court order prohibiting a specified action by the party named in the order.

A court is likely to grant the injunction for two reasons: (1) the immediacy of the threat to your property, and (2) the fact that the law can offer no fully satisfactory remedy once your garden has been destroyed. No money award can give back the pride or the pleasure your roses now give you.

At first, different courts administered equity and common law. In time, most States provided for the administration of both forms by the same courts, and the procedural differences between the two are disappearing.

Criminal and Civil Law

The law as it is applied by courts in this country can also be described as either criminal or civil law. **Criminal law** is that branch of the law that regulates human conduct. It identifies and defines those actions that are crimes and provides for their punishment. A crime is a

public wrong considered so damaging to society at large that it has been prohibited by law. The government (State or federal) is always a party to a criminal case, as prosecutor.

Crimes are of two kinds. A **felony** is the greater offense, punishable by a heavy fine, imprisonment, or even death—for example, murder, robbery, assault, or kidnapping. A **misdemeanor** is a lesser wrong and may be punished by a lighter fine and/or a shorter jail term—for example, a traffic violation, underage drinking, or disorderly conduct.

Civil law relates to that human conduct that is not criminal in nature, to those disputes between private persons and between private persons and government that are not covered by criminal law. Civil law involves a wide range of issues, including divorce and custody disputes, torts, and contracts.

Both tort law and contract law are major and often-used branches of civil law. A **tort** is a wrongful act that involves injury to one's person, property, or reputation in a situation not covered by the terms of a contract—for example, an automobile accident, product liability, or libel. A **contract** is a legally binding agreement in which one party agrees to do something with or for another party—for example, an agreement covering the sale of property or the terms of employment.

The Jury System

A **jury** is a body of persons selected according to law to hear evidence and decide questions of fact in a court case. There are two basic types of juries in the American legal system: (1) the grand jury and (2) the petit jury.

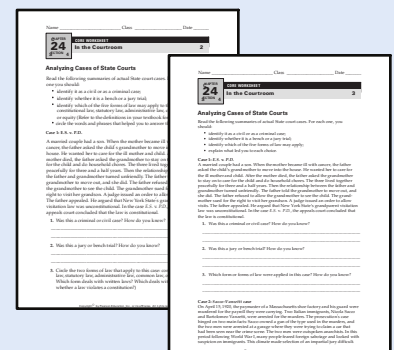
The major function of the grand jury is to determine whether the evidence against a person charged with a crime is sufficient to justify a trial. The grand jury is used only in criminal proceedings. The petit jury is the trial jury, and it is used in both civil and criminal matters.

The Grand Jury The grand jury has from 6 to 23 persons, depending on the State. Where larger juries are used, generally at least 12 jurors must agree that an accused person is probably guilty before a formal accusation is made. Similarly, with smaller juries, an

Differentiated Resources

The following resources are located in the AAll-in-One, Unit 7, Chapter 24, Section 4:

- L3** Reading Comprehension Worksheet (p. 41)
- L2** Reading Comprehension Worksheet (p. 42)
- L3** Core Worksheet (p. 43)
- L2** Core Worksheet (p. 46)
- L3** Quiz A (p. 49)
- L2** Quiz B (p. 50)



extraordinary majority is needed to indict, which means to bring the formal charge.

When a grand jury is **impaneled**, the judge instructs the jurors to find a true bill of indictment against any and all persons whom the prosecuting attorney brings to their attention and whom they think are probably guilty. The judge also instructs them to bring a presentment, an accusation, against any persons whom they, of their own knowledge, believe have violated the State's criminal laws.

The grand jury meets in secret. The prosecuting attorney presents witnesses and evidence against persons suspected of crime. The jurors may question those witnesses and may also **summon** others to testify against a suspect. After receiving the evidence and

hearing witnesses, the grand jury deliberates alone and in secret. They then move to the courtroom where their report, including any indictments they may have returned, is read in their presence.

The grand jury is expensive and time-consuming. Therefore, most of the States today depend more heavily on a much simpler process of accusation: the information.

The Information An **information** is a formal charge filed by the prosecutor, without the action of a grand jury. It is used for most minor offenses and, in many States, for some serious cases. It is far less costly and time-consuming than a grand jury. Also, since grand juries most often follow the prosecutor's

Checkpoint
What does a jury do?

impaneled
v. enrolled; established

summon
v. call



Chapter 24 • Section 4 729

Teacher-to-Teacher Network

ALTERNATE LESSON PLAN Have students compare legal systems from other countries, possibly from countries represented in the makeup of the class. In this lesson plan, students will research and present the historical background or foundation of that particular legal system and explain how it is similar to or different from the system in the United States.

To see this lesson plan, go to



DISTRIBUTE THE CORE WORKSHEET

Distribute the Chapter 24 Section 4 Core Worksheet (Unit 7 All-in-One, p. 43). Students will read summaries of State court cases and answer questions about each.

L1 L2 ELL Differentiate Distribute the adapted Core Worksheet (Unit 7 All-in-One, p. 46) to less proficient students and English language learners.

FOLLOW-UP DISCUSSION

For each summary, ask volunteers to point out which words helped them identify the case as criminal or civil, and so on. Discuss with students why a jury was or was not present in each case. Ask: **Why might a judge be preferable to a jury in certain types of trials? If you were in court, which would you prefer? Why?**

EXTEND THE LESSON

L3 L4 Differentiate Display Transparency 24G, Jury Trial. Explain that a trial by jury is considered a trial by one's peers. Critics of the jury system question the competence and impartiality of juries. Have students find a newspaper or Internet report about a recent case at the State level where the jury played a major role in the outcome. Ask students to form small groups to discuss and compare the role of the jury in their cases and to evaluate how effective they feel juries are in today's court system. Students might evaluate the jury's decision in each case and decide if the jury made their decision based on the law or on a perceived sense of "fairness."

L3 Differentiate Tell students to study their State's constitution to find information about the State's judiciary. Ask them to summarize the relevant passages.

L2 ELL Differentiate Ask students to watch the film "12 Angry Men." (The DVD comes with a Spanish language track.) Ask students to write an answer to this question: Based on the movie, do you think that juries work or do not work? Explain.

L4 Differentiate Have students do research and write a report on *voir dire* (to speak the truth), the process by which the jury is selected out of a pool of jurors. Ask them to include information on modern developments, such as the role of jury consultants.

Tell students to go to the Audio Tour to listen to a guided audio tour of the "How Government Works: Criminal and Civil Law" diagram.

Answers

Checkpoint hears evidence and decides questions of fact in a court case

Criminal and Civil Law Civil cases deal with disputes rather than crimes.

Assess and Remediate

- L3 Collect and grade students' work on the Core Worksheet (Unit 7 All-in-One, p. 43).
- L3 Assign the Section 4 Assessment questions.
- L3 Section Quiz A (Unit 7 All-in-One, p. 49)
- L2 Section Quiz B (Unit 7 All-in-One, p. 50)

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Types of laws and juries in the States (Questions 1, 2, 3)	Make a flowchart on the board similar to the one in the Section Opener. Have students provide information from their own flowcharts to help complete this one. List the five forms of law, differences and definitions of criminal and civil law, and information on the two types of juries. Have students record any new information in their own charts. As you work, give students opportunities to ask questions about anything they still do not understand.
The secrecy of grand juries (Question 4)	Tell students to review the text under the heading "The Grand Jury." Ask them to record details about the grand jury process in a concept web.
The purpose of an injunction (Question 5)	Write the word <i>injunction</i> and its definition on the board. Clarify that its purpose is to stop activity that might cause damage that cannot be repaired later. Point out the example in the text. Ask students to use the Think-Pair-Share strategy to brainstorm situations when an <i>injunction</i> might be requested.

Answers

Checkpoint to decide if the evidence justifies a trial

Checkpoint
What is the job of a grand jury?

recommendations, many argue that a grand jury is really unnecessary. Others feel that the grand jury prevents prosecutors from abusing their powers.

The Petit Jury The petit jury, or trial jury, hears the evidence in a case and decides the disputed facts. In very few instances, it may also have the power to interpret and apply the law. That, however, is usually the function of the judge.

The number of trial jurors may vary. As it developed in England, the jury consisted of "12 men good and true." Although 12 is the usual total, a lesser number, often six, now fills jury boxes in several States.

In more than a third of the States, jury verdicts need not be unanimous in civil and minor criminal cases. Rather, some extraordinary majority is needed. If a jury cannot agree on a verdict (a so-called hung jury), either another trial with a new jury takes place or the matter is dropped.

Misdemeanor cases and civil proceedings in which only minor sums are involved are often heard without a jury, in a **bench trial**, by the judge alone. In several States, even the most serious crimes may be heard without a jury if the accused, fully informed of his or her rights, waives the right to trial by jury.

Selection of Jurors Jurors are picked in more or less the same way in most States. Periodically, a county official or special jury commissioners prepare a list of persons eligible

for jury service, with names drawn from poll books, tax rolls, driver's license records, or other sources.¹³ The sheriff serves each person with a court order to appear. After eliminating those who, for good reason, cannot serve, the judge prepares a list of those who can. Persons under 18 and over 70 years of age, illiterates, the ill, and criminals are commonly excluded. Those in occupations vital to the public interest or for whom jury service would mean real hardship are often excused, too.

As with the grand jury, the States are moving away from the use of the trial jury. Leading reasons are the greater time and cost of jury trials. The competence of the average jury and the impulses that may lead it to a **verdict** are often questioned, as well. Much criticism of the jury system is directed not so much at the system itself as at its operation.

Several things should be said in favor of the jury system, however. It has a long and honorable place in the development of Anglo-American law. Its high purpose is to promote a fair trial, by providing an impartial body to hear the charges brought against the accused. A jury tends to bring the common sense of the community to bear on the law and its application. Finally, the jury system gives citizens a chance to take part in the administration of justice, and it fosters a greater confidence in the judicial system.

¹³It may be the clerk of the court, the sheriff, the county governing body, or the presiding judge; in New England, it is officers of the town.

verdict
n. decision or judgment

SECTION 4 ASSESSMENT

Essential Questions
Journal
To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

- 1. **Guiding Question** Use your completed table to answer this question: How do State and local courts apply different types of laws?
- Key Terms and Comprehension**
- 2. Define **common law**, **criminal law**, and **civil law**.
- 3. Identify two types of **juries** and explain what they do.

- Critical Thinking**
- 4. **Check Consistency** Most government processes in this country must take place in public, but a grand jury does its work in secret. **(a)** Why do you think this is? **(b)** Is this secrecy a good idea? Why or why not?
- 5. **Identify Alternatives** Describe a situation in which someone might seek an injunction. Then write a brief argument in favor of granting the injunction and a brief argument against it.

Quick Write
Explanatory Writing: Write a Thesis Statement As in other types of essays or reports, you need to formulate a thesis statement to direct your thinking, research, and writing. Review your notes to find one main concept that connects your categories and questions. Write a thesis statement that expresses that concept.

Assessment Answers

- 1. They apply five types of law: constitutional, statutory, administrative, common, and equity. Laws are either criminal or civil. In serious cases, a grand jury decides whether to indict, sending the case to a petit jury trial. For minor and some serious offenses, the prosecutor files an information, without a grand jury. In cases involving misdemeanors or minor sums, a judge decides in a bench trial, without a petit jury.
- 2. Common law is unwritten, judge-made law, developed over centuries from generally accepted ideas of right and wrong. Criminal

- law defines those actions that are crimes and provides for their punishment. Civil law relates to disputes between private parties or private parties and government.
- 3. **grand jury:** determines whether evidence against a person charged with a crime is sufficient to justify a trial; **petit jury:** a trial jury that hears evidence and decides disputed facts
- 4. **(a)** Students may suggest that the jury hears much unsupported evidence that if false or misleading could ruin a person's reputation even without indictment or conviction. Secrecy

- also protects jurors from outside influences or retribution. **(b)** Answers should reflect sound reasoning.
- 5. Example answer: A woman seeks an injunction to stop a former boyfriend from following her. Argument for: The woman fears for her life. Argument against: The man has committed no crime at this point.
- QUICK WRITE** A strong thesis statement should be a complete sentence that expresses one clear goal for the explanatory essay.

Serving on a Jury

Someday, you may have the chance to participate directly in the American justice system. The right to be tried by a jury of one's peers is one of the fundamental rights afforded to citizens of a democracy, and is guaranteed by the Constitution. As a juror, you will become a major participant in the American judicial system with a duty to ensure that a fellow citizen receives justice.

How can you be selected as a potential juror? Most are chosen from voting lists, from State departments of motor vehicles, or tax rolls. How long your jury service may last can vary depending on the nature and complexity of the case involved or whether or not you are actually chosen to serve on a jury panel. Some people are excused from duty due to health issues or other hardships.

You may also be dismissed without having served at all. If you are chosen to move on to the jury selection phase, known as *voir dire*, lawyers on both sides will have questions for the potential jurors as they try to select a jury that they hope will be favorable to their case. You may be rejected.

If chosen, you and the other jurors will receive instructions prior to the beginning of the trial. These may include:

- 1. Do not be influenced by bias.** Your decision in a case should not be affected by sympathies or antipathies you may have for the defendant, plaintiff, or their attorneys.
- 2. Follow the law exactly as it is explained to you.** Your job as a juror is to determine whether or not someone broke the law, regardless of whether you approve of the law or not.
- 3. Remember that the defendant is presumed innocent.** The government has the burden of proving a defendant guilty "beyond a reasonable doubt." If it fails to do so, the jury verdict must be "not guilty." If you feel that the government did make its case, then you must find the defendant "guilty."
- 4. Keep an open mind.** Do not form or state any opinions about the case until you have heard all the evidence, the closing arguments of the lawyers, and the judge's instructions on the applicable law.
- 5. During the trial, do not discuss the case.** Do not permit anyone to talk about the case with you or in your presence, except with the court's permission. Avoid media coverage of the case once the trial has begun.

► What do you think?

1. What does the concept "reasonable doubt" mean to you?
2. Why do you think that jurors are instructed not to discuss the case and to avoid media coverage of it during the trial?
3. **You Try It** Create a jury simulation. Work in groups of six students to prepare a list of evidence related to a theoretical crime. After each team has completed its list, exchange lists. Following the instructions above, each team will then act as a jury to reach a verdict in another team's case. Ask each jury to discuss its verdict with the team that created the evidence.

GOVERNMENT ONLINE
Citizenship Activity Pack
 For activities on serving on a jury, go to
PearsonSuccessNet.com

LESSON GOAL

- Students will work in groups to take part in a jury simulation.

Teach

REVIEW THE JURY INSTRUCTIONS

Have students read aloud each instruction to the jury from the feature, as you write it on the board. Ask students if they have any questions about any of the instructions before they begin the simulation.

DEVELOP EVIDENCE LISTS

Discuss the types of evidence that might be included in a particular trial, such as a criminal trial for robbery. For example, there may be witness or victim statements, videotape from surveillance cameras, a police report, DNA or other forensic evidence, and so on. Give groups time to determine the subjects of their cases and to develop their lists of evidence. Lists should be detailed and include at least five items, as well as a brief description of the case.

DECIDE A VERDICT AND DISCUSS IT

You may want to assign groups for the exchange of evidence. In their groups, students should discuss the evidence and come to a verdict, which they should write on a piece of paper. Tell students that if their case is a murder, they must be unanimous in their decision. If their case is not a murder, a majority can decide the verdict. When verdicts and inter-group discussions are complete, ask students to each write a summary about their jury experience.

Assess and Remediate

Collect students' evidence lists and summaries and grade them. You may also wish to have them answer the What Do You Think questions.

Answers

1. Students should suggest that absolute certainty may not be possible but that if the prosecution makes its case, little doubt should remain as to the defendant's guilt.
2. Opinions of individuals and the media who are not privy to all the evidence could be inaccurate or biased; their ideas could sway a juror away from his or her true opinion.
3. A strong evidence list will include at least five relevant items and a description of the case. A strong summary will accurately present key points and explain the process that led to the verdict.

Citizenship Activity Pack

L1 L2 If your students need extra support, use the Citizenship Activity Pack lesson *How to Serve on a Jury*. It includes a lesson plan for you, a poster outlining the development of the jury system, 28 character descriptions for prospective jurors, and case briefs containing scripts for the defendant's team and for the plaintiff's team. Students will hold a mock juror selection. Students may also access the Citizenship Activity Pack online for activities on How to Serve on a Jury at **PearsonSuccessNet.com**.

GUIDING QUESTION

How are State and local courts organized and staffed?

Municipal Courts	Juvenile Courts	Justices and Magistrates' Courts
<ul style="list-style-type: none">citywide jurisdictiondivisions: civil, criminal, small claims, traffic, probate	<ul style="list-style-type: none">minors under age 18rehabilitationmay assign serious cases to adult court	<ul style="list-style-type: none">Justices: misdemeanors, small civil suits, warrants, preliminary hearings, marriagesMagistrates: urban version of JPsboth popularly elected

Get Started

LESSON GOALS

Students will . . .

- discuss the positive and negative aspects of electing or appointing judges.
- evaluate methods of judge selection by reading primary sources and through participation in a Socratic Dialogue.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 7 All-in-One, p. 51) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 7 All-in-One, p. 52)

SKILLS DEVELOPMENT

COMPARE VIEWPOINTS

To teach the skill of comparing viewpoints, have students read Compare Viewpoints in the Skills Handbook, p. S15. Then have them read and evaluate the two editorials in this lesson's Core Worksheet.

SECTION 5

State Courts and Their Judges



Guiding Question
How are State and local courts organized and staffed? Use a table similar to the one below to record information about the types of State and local courts.

Municipal Courts	Juvenile Courts	Justice and Magistrates' Courts
<ul style="list-style-type: none">	<ul style="list-style-type: none">	<ul style="list-style-type: none">

Political Dictionary
• Justice of the Peace hearing
• warrant • magistrate
• preliminary • appellate jurisdiction

- Objectives**
- Explain how State courts are organized and describe the work that each type of court does.
 - Examine and evaluate the different methods by which judges are selected among the States.

Image Above: Chief Justice Leah Sears, Supreme Court of Georgia

They deal with everything from traffic tickets to murder, from disputes over nickels and dimes to settlements involving millions. They are the State and local courts and the judges who sit in them. Here, you will look at the way these courts are organized and how they conduct their business.

Organization

Each of the State constitutions creates a court system for that State. Some of the documents deal with the courts at great length, but most of them leave much of the detail of judicial organization and procedure to the legislature.

Justices of the Peace **Justices of the Peace**—JPs—stand on the lowest rung of the State judicial ladder. They preside over what are commonly called justice courts.

JPs were once found nearly everywhere in the country. In their day, they seemed well-suited to their purpose. In justice courts, people could obtain a hearing for minor offenses quickly. JPs and their justice courts have been done away with in several States. However, they can still be found in many smaller towns and rural areas.

JPs are usually popularly elected. For the most part, they try misdemeanors, which are cases involving such petty offenses as traffic violations, disturbing the peace, public drunkenness, and the like. JPs can almost never settle civil disputes involving more than a few hundred dollars. They do issue certain kinds of warrants, hold preliminary hearings, and often perform marriages.

A **warrant** is a court order authorizing, or making legal, some official action. Search warrants and arrest warrants are the most common of these documents. A **preliminary hearing** is generally the first step in a major criminal prosecution. There, the judge decides if the evidence is, in fact, enough to hold that person—bind that person over—for action by the grand jury or the prosecutor.

In some places, JPs are still paid out of the fines they take in. The more fines they impose, the higher their incomes. This “fee system” can lead to any number of abuses and raises serious questions about the fairness of the treatment a defendant can expect.¹⁴

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • State courts are classified by location, the community they serve, and the types of cases they resolve. • Court cases can be appealed to appellate courts and to the State supreme court. • Most State and local judges are directly elected. • Others are named by legislatures, governors, or by a combination of elected officials and voters.

CONCEPTS: judicial branch

ENDURING UNDERSTANDINGS: • Local courts serve a defined community and deal with a wide range of case types. • Cases involving difficult points of law rise to appellate courts or State supreme courts on appeal. • Any method of choosing judges raises questions about the independence and quality of the people selected.

Magistrates' Courts Magistrates are the city cousins of JPs. For the most part, magistrates handle those minor civil complaints and misdemeanor cases that arise in an urban setting. They preside over what often are called magistrates' courts or police courts. Magistrates, like JPs, are usually popularly elected for fairly short terms.

Municipal Courts Municipal courts were first established in Chicago in 1906. They are now found in most large cities and many smaller ones.

The jurisdiction of municipal courts is citywide. They can often hear civil cases involving several thousands of dollars as well as the usual run of misdemeanors. Many municipal courts are organized into divisions, which hear cases of a given kind—for example, civil, criminal, small claims, traffic, and probate divisions.

Consider the small claims division, often called the small claims court. Many people cannot afford the costs of suing for the collection of a small debt. A newspaper carrier, for example, can hardly afford a lawyer to collect a month's subscription from a customer. The owner of a two-family house may have the same problem with a tenant's back rent, and many merchants are forced to forget an overdue bill or sell it to a collection agency.

Small claims courts are designed for just such situations. There, a person can bring a claim for little or no cost. The proceedings are usually informal, and the judge often handles the matter without attorneys for either side.

Juvenile Courts Individuals under 18 years of age are generally not subject to the jurisdiction of the courts in which adults are tried. Minors who are arrested for some offense, or who otherwise come to the attention of the police or other authorities, may appear in juvenile courts.

14 Many insist that the fee system means that "JP" really stands for "judgment for the plaintiff." The practice also encourages "fee splitting"—an arrangement in which judges can increase the number of misdemeanors they hear by agreeing to share their fees with those arresting officers who bring such cases to them. The "speed trap" is probably the best known and most common result of a fee-splitting situation.

The juvenile justice system is designed to address the special needs and problems of young people. This system generally emphasizes **rehabilitation** more than punishment. However, under some circumstances, juvenile courts do refer certain offenders to a regular criminal court for trial.

Recently, most States have responded to juvenile crime with tougher criminal laws. Often these statutes make it easier to try juveniles as adults when they are charged with serious crimes. In 46 States, juvenile court judges may assign certain cases involving juveniles to adult courts. In several States, cases that meet certain standards must be tried in adult courts.

General Trial Courts Most of the more important civil and criminal cases are heard in the States' general trial courts. Every State is divided into a number of judicial districts, or circuits, each generally covering one or more counties. For each district there is a general trial court, which may be known as a district, circuit, chancery, county, or superior court, or as a court of common pleas.

These general trial courts are courts of "first instance." That is, they exercise original jurisdiction over most of the cases they hear. Most legal actions brought under State law begin in these courts. When cases do come to them on appeal from some lower court, a new trial is usually held.

The cases heard in trial courts are tried before a single judge. Most often a petit jury (the trial jury) hears and decides the facts at issue in a case, and the judge interprets and applies the law involved. Criminal cases are presented for trial either by a grand jury or, most often, on motion of the prosecuting attorney.

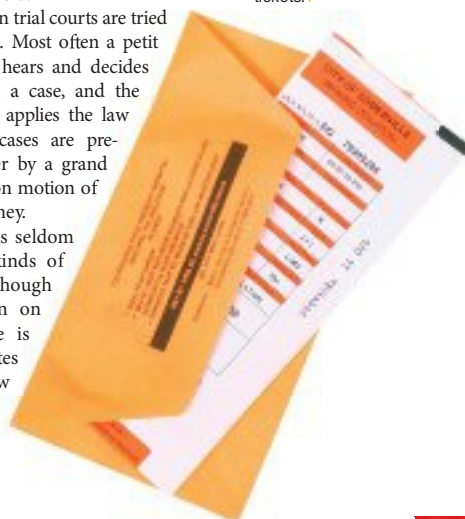
The trial court is seldom limited as to the kinds of cases it may hear. Although this court's decision on the facts in a case is usually final, disputes over questions of law may be carried to a higher court.

Checkpoint
What are the responsibilities of JPs, magistrates' courts, and municipal courts?

rehabilitation
n. the act of restoring, transforming one to a useful, lawful life

probate
adj. relating to a will or the distribution of property as described in a will

A municipal court might handle appeals of parking tickets.



Chapter 24 • Section 5 733

BELLRINGER

Write on the board: **How are judges selected in our State? How fair and effective is this method? Answer in your notebook.**

L1 L2 ELL Differentiate Suggest that students write their ideas in the form of a two-column advantages/drawbacks chart about the method used in your State to select judges.

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

MATCH TYPES OF COURTS WITH CASES

Draw a two-column chart on the board. Have students help you to list the seven main types of courts that may be found in a State's judicial system in the first column. In the second column, ask students to provide examples of the types of cases that might appear in each court. (examples: *JP and magistrates' courts—traffic violations; juvenile courts—vandalism by a minor; municipal courts—a lawsuit over unpaid rent; general trial courts—burglary trial; appellate and State supreme courts—appeal of a case questioning the constitutionality of a State law*)

L1 L2 Differentiate Write example cases on the board and have students match each example to the appropriate court.

EVALUATE METHODS USED TO SELECT JUDGES

Display Transparency 24H, Selection of Judges. Tell students that the Missouri Plan is in place in a little over half the States. Election is the method most often used, while appointment by the State legislature is used least. Ask: **What are the three main ways of selecting judges in the States?** (election, appointment by the governor, and appointment by the State legislature) **Why do few people favor appointment by the State legislature?** (State legislators might select judges biased toward their party's views, not based on judicial merit.) **How does the Missouri Plan make use of checks and balances?** (The governor's choice has to be approved by the people, who act as a check on the choice.) Ask: **Why do you think judges are selected differently at the State and national levels?** (It could be too cumbersome a process to have national elections for federal judges or people might not know enough to make informed voting decisions.)

L2 Differentiate Have students use the Think-Pair-Share method to answer this question.

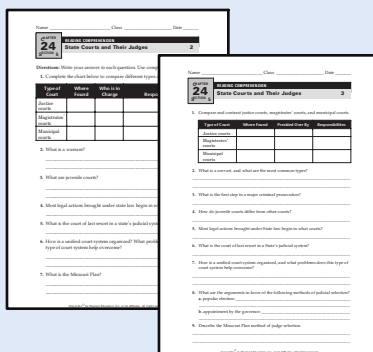
Answers

Checkpoint JPs and magistrates: misdemeanors, small civil suits, warrants, preliminary hearings, marriages; municipal courts: civil cases of several thousand dollars, misdemeanors, small claims, traffic, probate

Differentiated Resources

The following resources are located in the All-in-One, Unit 7, Chapter 24, Section 5:

- L3** Reading Comprehension Worksheet (p. 51)
- L2** Reading Comprehension Worksheet (p. 52)
- L3** Core Worksheet (p. 53)
- L3** Quiz A (p. 57)
- L2** Quiz B (p. 58)
- L3** Chapter Test A (p. 59)
- L2** Chapter Test B (p. 62)



DISTRIBUTE THE CORE WORKSHEET

Distribute Chapter 24 Section 5 Core Worksheet (Unit 7 All-in-One, p. 53), which contains editorials written by retired U.S. Supreme Court Justice Sandra Day O’Connor and J. Karl Miller, a staff writer for the *Columbia Missourian* newspaper. Both editorials give opinions on how judges are selected. Have students read the selections and answer the questions that follow. Tell students that they will use the information and opinions in these selections to participate in a Socratic Dialogue.

Name _____ Class _____ Date _____

CHAPTER
24

CORE WORKSHEET

SECTION 5

State Courts and Their Judges

3

The Selection of Judges

Read the articles below about selecting State judges. Then answer the questions that follow.

Justice for Sale
by retired Supreme Court Justice Sandra Day O'Connor

Voters generally don't express much interest in the election of judges. This year, as in years past, voter turnout in elections for judges was very low. But judicial elections, which occur in some form in 39 states, are receiving growing attention from those who seek to influence them. In fact, motivated interest groups are pouring money into judicial elections in record amounts. Whether or not they succeed in their attempts to sway the voters, these efforts threaten the integrity of judicial selection and compromise public perception of judicial decisions.

The final four candidates running for open seats on the Supreme Court of Pennsylvania raised more than \$5.4 million combined in 2007, shattering fund-raising records in Pennsylvania judicial elections. Since 2006, high court campaigns in Georgia, Kentucky, Oregon and Washington also set fund-raising records. Since 2004, nine other states broke records for high court election spending.

Most of this money comes from special interest groups who believe that their contributions can help elect judges likely to rule in a manner favorable to their causes. As interest-group spending rises, public confidence in the judiciary declines. Nine out of 10 Pennsylvanians regard judicial fund raising as evidence that justice is for sale, and many judges agree. According to a nationwide survey by the Annenberg Public Policy Institute, partisan judicial elections decrease public confidence that courts are fair, impartial and operating in the best interest of the American people.

The first step that a state like Pennsylvania can take to reverse this trend is to replace the partisan election of its judges with a merit-selection system, or at least with a nonpartisan system in which the candidates do not affiliate with political parties. In a typical merit-based system, an independent commission of knowledgeable citizens recommends several qualified candidates suitable for appointment by the governor of the state. After several years of service, the appointed judge's name is then submitted to the voters for an up or down vote known as a retention election.

The second step a state can take is to set up campaign-conduct committees to educate voters and the media about the criteria people should use to select judges.

These committees can also publicize accurate information about the sources of big contributions, providing the kind of transparency that allows voters to decide whether a judicial candidate's impartiality may be compromised by her contributors. Finally, the committees can flag inappropriate campaign conduct and provide information to help voters interpret charges made in campaign advertising sound bites.

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L2 ELL Differentiate If students are having difficulty reading the primary sources on the Core Worksheet, pair them with a more proficient reader to help explain difficult words or concepts.

Answers

Juvenile Justice Juveniles may lack adult judgment in determining right from wrong. Influence from adult inmates could turn juvenile offenders into hardened criminals or be dangerous. Juvenile justice should focus on rehabilitation.

Juvenile Justice

Juvenile courts arose from decades of struggle at the State level to adapt and reform the criminal justice system. *Why do you think reformers sought separate jails and prisons for young people?*



1800s Common law preferred to have parents discipline children for most crimes. Young people accused of serious crimes were jailed with adults, and those as young as seven could be tried and sentenced in criminal courts.

1899 Cook County, Illinois, creates the first juvenile court on the principle of "the state as parent." The court protects both public safety and the needs of the juveniles accused of crimes.

1974 Congress passes the Juvenile Justice and Delinquency Prevention Act requiring that young people be jailed separately from adults and encouraging states to develop alternatives to prisons.

Today While juvenile courts still flourish, States increasingly allow juveniles accused of serious crimes to be tried and sentenced in adult courts.

Intermediate Appellate Courts Most States now have one or more intermediate appellate courts. They are courts of appeal that stand between the trial courts and the State's supreme court. These appellate courts serve to ease the burden of the State's highest court.

The appellate courts have different names among the States, but they are most often called the court of appeals.¹⁵ Most of their work involves the review of cases decided in the trial courts. That is, these appeals courts exercise mostly **appellate jurisdiction**. Their original jurisdiction, where it exists, is limited to a few specific kinds of cases—election disputes, for example.

In exercising their appellate jurisdiction, these courts do not hold trials. Rather, they hear oral arguments from attorneys, study the briefs (written arguments) that attorneys submit, and review the record of the case in the lower court.

Ordinarily, an intermediate appellate court does not concern itself with the facts in a case. Rather, its decision turns on whether the law was correctly interpreted and applied in the court below. Its decision may be

reviewed by the State's high court; its disposition of a case is usually final, however.

The State Supreme Court The State's supreme court is the highest court in its judicial system.¹⁶ Its major function is to review the decisions of lower courts in those cases that are appealed to it.

The size of each State supreme court is fixed by that State's constitution, usually at five or seven justices. A chief justice presides over the sessions of each State's top court.

The governor appoints the justices in just over half of the States. The voters elect them elsewhere, except in two States where the legislature chooses.

The State supreme court is the court of last resort in the State's judicial system. It has the final say in all matters of State law. The United States Supreme Court *may* review some State supreme court decisions touching on federal law. But not very many State decisions actually go to the federal Supreme Court.¹⁷ Recall

¹⁶ The State's highest court is known as the Supreme Court in 45 States. But in Maine and Massachusetts it is called the Supreme Judicial Court; in Maryland and New York, the Court of Appeals; and in West Virginia, the Supreme Court of Appeals. Oklahoma and Texas have two high courts: the Supreme Court is the highest court in civil cases, and a separate Court of Criminal Appeals is the court of last resort in criminal cases.

¹⁷ Many such cases involved the 14th Amendment's Due Process and Equal Protection clauses.

¹⁵ In New York, the general trial court is called the supreme court, or the county court; the intermediate appellate court is the appellate division of the supreme court; the State's highest court is known as the Court of Appeals.

Background

JUVENILE COURT MOVEMENT For over 100 years from its inception, the United States treated juvenile offenders no differently from adult offenders. In 1899, for example, 322 boys ages 9 to 16 were imprisoned in the city of Chicago for crimes ranging from assault with a deadly weapon to picking up coal on the railroad tracks. In prison, they shared cells with adult criminals. This raised an outcry for a new system, and the Illinois Juvenile Court Act of 1899 established the first separate, noncriminal court for the children of the State. The juvenile court movement spread rapidly, due largely to the influence and philosophy of Judge Ben Lindsey of Colorado, and by the 1920s every State had some legal provision for delinquent youth.

that an appeal from a State's high court will be heard in the federal Supreme Court only if (1) a "federal question"—some matter of federal law—is involved in the case and (2) the Supreme Court agrees to hear that appeal. In short, most State supreme court decisions are final.¹⁸

Unified Court Systems The typical State court system is organized geographically rather than by types of cases. In these map-based systems, a judge must hear cases in nearly all areas of the law. A **backlog** of cases can and often does build up in some courts while judges sit with little to do in others. Moreover, uneven interpretations and applications of the law may and sometimes do occur from one part of the State to another. To overcome these difficulties, a number of States have turned to a unified court system—one that is organized on a functional, or case-type, basis.

In a completely unified court system, there is technically only one court for the entire State. It is presided over by a chief judge or judicial council. There are a number of levels within the single court, such as supreme, intermediate appellate, and general trial sections. At each level within each section, divisions are established to hear cases in certain specialized or heavy-caseload areas of the law—criminal, juvenile, family relations, and other areas that need special attention.

In such an arrangement, a judge can be assigned to that section or division to which his or her talents and interests seem best suited. To relieve overcrowded dockets, judges may be moved from one division to another.

Selection of Judges

Clearly, the quality of any court system—indeed, the quality of justice itself—depends in large measure on the selection of competent,

well-trained judges. More than 15,000 judges now sit in the States' various trial and appellate courts. Nearly all of them came to office in one of three ways: (1) by popular election, (2) by appointment by the governor, or (3) by appointment by the legislature.

Popular election is by far the most widely used method of judicial selection. In fact, the only way to become a judge in 11 States is by popular election.¹⁹ Midterm vacancies, caused by death or resignation, provide the only exception to that blanket rule; those vacancies are usually filled by gubernatorial appointment. Roughly half of all judicial elections are nonpartisan contests today.

Selection by the legislature is the method least often used. The lawmakers now choose all or at least most judges in only two States: South Carolina and Virginia.

Governors now select nearly a fourth of all State judges. In five States, the chief executive appoints them all. In several others, the governor has the power to appoint all or at least many judges, but under a Missouri Plan arrangement, as you will see.

How Should Judges Be Selected? Most people believe that judges should be independent, that they should "stay out of politics."



► **Analyzing Political Cartoons** What does this cartoon suggest about electing judges based on their judicial philosophy?

Checkpoint
Why do some States have a unified court system?

backlog
n. a build-up of unfinished work

MAKE A DECISION USING A SOCRATIC DIALOGUE

Discuss students' answers to the Bellringer questions. Then discuss their reactions to the primary source readings and ask whether either source changed their ideas about appointment versus election of judges. Ask: **How does the election of judges help or hurt the judicial system?** (*More competent judges might be chosen through appointment, but election ensures accountability to the people.*)

Selecting judges through popular election is more democratic, but does it create a stronger or weaker judicial system? Tell students that they will have 15 minutes to choose whether they think election or appointment is the best method. Remind them to consider the advantages and disadvantages of both. Have them use a Socratic Dialogue (p. T24) to decide.

FOLLOW UP THE DISCUSSION

Give students a few minutes to reflect on the results of the Socratic Dialogue in a journal entry. If they agreed on a method, have students answer these questions: **What criteria were important in your choice? Is one method overwhelmingly better than another? Is one method best for all cases?**

If they were unable to agree, have students answer these questions: **Why were you not able to agree on a method? Do you think the class could have settled on a method for specific government levels or specific types of courts?**

EXTEND THE LESSON

Have students investigate the types of courts in your State's judicial system. Ask them to use the information they find to create an informational poster that explains each type of court, each level of authority, and how each court's judges are selected.

¹⁸ State law regularly gives its lower courts final jurisdiction over many types of minor cases. That is, review cannot be sought in a higher State court. In those cases, the lower court is the State's court of last resort. If any review is to be had, it can be only in the United States Supreme Court. Such reviews are extremely rare.

¹⁹ Alabama, Illinois, Kentucky, Michigan, Minnesota, Nevada, New Mexico, North Carolina, North Dakota, Pennsylvania, Wisconsin.

Political Cartoon Mini-Lesson

Display the political cartoon Transparency 24I, Justice for Sale, as an extension to the Core Worksheet activity. Point out that this cartoon appeared in the article by Sandra Day O'Connor in *The Wall Street Journal*. Ask: **What does the scale represent?** (*the judicial system*) **Why is the scale unbalanced?** (*because money weighs more—that is, has more influence—in the judicial system than the people do*) **What main point made by O'Connor does this cartoon illustrate?** (*Money from special interests is upsetting the balance, or integrity, of the judicial system, and eroding people's faith in judicial decisions.*)

Answers

Checkpoint to spread caseloads more evenly and to make interpretations and applications of law more uniform across the State

Analyzing Political Cartoons that the elected judge's judicial philosophy could be positive or negative

Assess and Remediate

L3 Assess students’ class participation using the Rubric for Assessing Individual Performance in a Group (Unit 7 All-in-One, p. 126).

L3 Assign the Section 5 Assessment questions.

L3 Section Quiz A (Unit 7 All-in-One, p. 57)

L2 Section Quiz B (Unit 7 All-in-One, p. 58)

Have students complete the review activities in the digital lesson presentation and continue their work in the Essential Questions Journal.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
The organization of the State courts (Questions 1, 2, 3)	List the seven main types of courts at the State level on the board. Ask students to supply details about each type, including their main functions and the kinds of cases they hear.
How judges are selected (Question 4)	Write the three methods of judge selection on the board in the form of a pro/con chart. Based on their reading and their own thinking, ask students to suggest the benefits and drawbacks of each method.
Qualifications for judges (Question 5)	Have students create a résumé that represents someone they would consider to be a highly qualified judge. Tell students to work in groups of three to compare the types of experience they listed.

Answers

Checkpoint by popular election or by gubernatorial appointment

Checkpoint What are the two main ways that judges are selected?

Whatever method of selection is used should be designed with that goal in mind.

Nearly all authorities agree that selection by the legislature is the most political of all the methods of choice. Few favor it. So, the question really becomes: Which is better, the popular election of judges or their appointment by the governor?

Those who favor popular election generally make the democratic argument. Because judges “say the law” (interpret and apply it), they should be chosen by and answer directly to the people. Some also argue that the separation of powers is undercut if the executive names the members of the judicial branch.

Those who favor appointment by the governor argue that the judicial function should be carried out only by those who are well qualified. The fact that a person has the support of a political party or is a good vote-getter does not mean that person has the capacity to be a good judge. Proponents of executive appointment insist that it is the best way to ensure that those persons who preside in courts will have the qualities most needed in that role: absolute honesty and integrity, fairness, and the necessary training and ability in the law.

Deciding between these two positions is difficult at best. The people have often made excellent choices, and governors have not always made wise and nonpolitical ones. Still, most authorities come down on the side of gubernatorial appointment—largely because those characteristics that make a good judge

and those that make a good candidate are not too often found in the same person.

Popular election is both widely used and widely supported by citizens and party organizations. So, most moves to revise methods of judicial selection have kept at least some element of voter choice.

The Missouri Plan For most of the past century, the American Bar Association (ABA) has sponsored an approach that combines election and appointment. The method is often called “the Missouri Plan,” and some form is now in place in just over half the States.

In Missouri’s version of this method, the governor appoints the seven justices of the State supreme court, the 32 judges of the court of appeals, and all judges who sit in the trial courts in the most heavily populated parts of the State. The governor must make each appointment from a panel, or list, of three candidates recommended by a judicial nominating commission. The commission is made up of a sitting judge, several members of the bar, and private citizens.

Each judge named by the governor serves until the first general election after he or she has been in office for at least a year. The judge’s name then appears on the ballot without opposition. The voters decide, in a retain-reject election, whether or not that judge should be kept in office. Should the voters reject a sitting judge, the process begins again.

proponent n. one who is actively in favor of something; a supporter

Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

SECTION 5 ASSESSMENT

1. Guiding Question Use your completed concept web to answer this question: How are State and local courts organized and staffed?

Key Terms and Comprehension

- 2. (a) What is appellate jurisdiction? (b) Which State courts have this jurisdiction?
- 3. Describe the work of the general trial courts.

Critical Thinking

- 4. Demonstrate Reasoned Judgment How do you think judges should be selected? Choose one method described in this section and create a strong, well-supported argument for that method.
- 5. Draw Inferences What qualifications do you think a good judge should have? Write a help-wanted advertisement for your ideal candidate.

Quick Write

Explanatory Writing: Create an Outline To help you structure an explanatory essay on the differences in power between the national and State governments, create an outline in which you identify each topic and subtopic in a single phrase. When you are ready to write your essay, you can use the outline as a guide. Alternatively, you may create a flowchart to help you organize and order your ideas.

Assessment Answers

1. Main types of State courts: Justice of the Peace courts (misdemeanors, small civil suits, warrants, preliminary hearings, marriages); magistrates’ courts (urban version of JPs); municipal courts (civil, criminal, small claims, traffic, probate); juvenile courts (minors under age 18); general trial courts (most of the more important civil and criminal cases); intermediate appellate courts (appeals from trial courts); supreme court (appeals from lower courts). Some States have a unified court system with a chief judge or council and several levels. Divisions within each level hear cases in specialized

or heavy-caseload areas, such as criminal, juvenile, and family relations. Judges in the States may be elected, appointed by the governor, or appointed by the legislature. The Missouri Plan combines election and appointment.

- 2. (a) review of the interpretation and application of law in cases decided by lower courts (b) intermediate appellate courts and the State supreme court
- 3. General trial courts exercise original jurisdiction, and hear both criminal and civil cases.
- 4. Strong answers should focus on the goal

of keeping judges independent of politics as much as possible.

5. Answers will vary but might include knowledge of the law and judicial processes, good judgment, honesty, integrity, and fairness.

QUICK WRITE Outlines should be presented in correct outline format and cover the topic of the differences in power between the State and national governments appropriately and logically.

Guiding Question
Section 2 What are the defining traits and purpose of State legislatures?

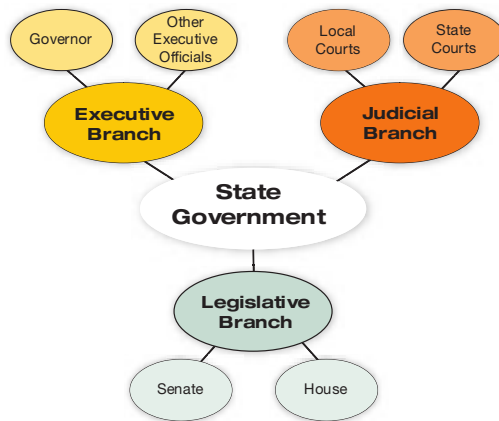
Guiding Question
Section 3 What are the roles and powers of a governor?

Guiding Question
Section 4 How do State and local courts apply different types of law?

Guiding Question
Section 1 What are the defining features of State constitutions?

CHAPTER 24
Essential Question
How much power should State government have?

Guiding Question
Section 5 How are State and local courts organized and staffed?



Legal Terms

Term	Purpose
Jury	To reach a just decision
Common law	To guide a judge's decisions with past examples
Equity	To stop wrongs before they occur
Criminal law	To protect the public order
Civil law	To resolve disputes between people and between people and the government

Political Dictionary

popular sovereignty p.709
limited government p. 709
fundamental law p. 710
initiative p. 712
statutory law p. 713
police power p. 717
constituent power p. 717
referendum p. 719
recall p. 721
item veto p. 724
clemency p.724
pardon p. 724
commutation p. 725
reprieve p. 725
parole p. 725
common law p. 727
precedent p. 728
criminal law p. 728
felony p. 728
misdemeanor p. 728
civil law p. 728
tort p. 728
contract p. 728
jury p. 728
information p. 729
bench trial p. 730
Justice of the Peace p. 732
warrant p. 732
preliminary hearing p. 732
magistrate p. 733
appellate jurisdiction p. 734

Have students download the digital resources available at Government on the Go for review and remediation.

STUDY TIPS

SQ3R SQ3R stands for “Survey, Question, Read, Recite, Review.” Explain to students that SQ3R is a reading method that will help them organize and remember information. When they sit down to read a section of their textbook using this method, students will first **survey** the section. This means skimming the headings, subheadings, and captions in the section, as well as introductory and concluding paragraphs. Students should then skim the section again, this time asking themselves **questions** such as “What is this section about?” and turning the headings and subheadings into questions. After considering these questions briefly, students should **read** the section, looking for the answers. While reading, students should also note key terms and review graphic organizers. When reading is complete, students **recite** information from the section. To do this, they can ask themselves questions aloud or summarize aloud what they’ve read or jot down key points in their own words. The **review** part of the method is ongoing over several days. To review what they have read, students can write questions about the content, skim the material, or create graphic organizers to summarize the material in the section. Students might also make flash cards of key points in the section that they can use while studying.

ASSESSMENT AT A GLANCE

Tests and Quizzes

Section Assessments
Section Quizzes A and B, Unit 7 **All-in-One**
Chapter Assessment
Chapter Tests A and B, Unit 7 **All-in-One**
Document-Based Assessment
Progress Monitoring Online
ExamView Test Bank

Performance Assessment

Essential Questions Journal
Extend the Lesson, p. 711
Assessment Rubrics, **All-in-One**

For More Information

To learn more about governing the states, refer to these sources or assign them to students:

- L1** De Capua, Sarah. *Being a Governor*. Children’s Press, 2004.
- L2** Marvis, B., Austin Sarat, and Leslie Berger. *Grand Jury*. Chelsea House Publishers, 2000.
- L3** Braunstein, Richard. *Initiative and Referendum Voting: Governing Through Direct Democracy in the United States*. LFB Scholarly Publishing LLC, 2004.
- L4** Tarr, G. Alan. *Understanding State Constitutions*. Princeton University Press, 2000.

Chapter Assessment

COMPREHENSION AND CRITICAL THINKING

SECTION 1

1. (a) popular sovereignty, limited government, separation of powers, checks and balances (b) The early constitutions arose from the experiences of the American Revolution and reflect the goals of the revolutionaries. After throwing off the tyranny of the British government, Americans wanted to set limits and checks within their constitutions to protect basic rights and ensure that the people remained the supreme authority and that their governments could not oppress them again.
2. (a) Amending State constitutions requires a proposal from a constitutional convention, the legislature, or popular initiative followed by ratification by popular vote, typically by a majority of those voting. Amending the U.S. Constitution is more difficult. There is no initiative process, and proposals and ratification require greater support than a majority vote. (b) The process of formal change for State constitutions involves proposal by the legislature, which can be simple in some States or difficult in others. In 18 States, the voters themselves can propose constitutional amendments through the initiative, a process in which voters sign petitions in favor of a proposal that goes on the ballot for approval or rejection by the people. Over the years, State constitutions have grown in size and complexity, with outdated provisions and unnecessary details.

SECTION 2

3. (a) all powers not granted to another branch or denied by State or U.S. constitutions; pass laws that do not conflict with federal law or the State constitution; tax, spend, borrow, establish courts/jurisdiction, define crimes/punishment, regulate commerce, maintain schools; police power; approve appointments; impeach; propose State constitutional amendments (b) State legislatures basically have the same powers as Congress, but they also have the police power, which is reserved to them.
4. (a) Voters can propose and force a vote on an amendment or a law by initiative. In a referendum, the legislature decides to refer the measure to the voters. (b) Students should support their positions with details from the text.

24

Chapter Assessment

GOVERNMENT ONLINE
Self-Test
To test your understanding of key terms and main ideas, visit PearsonSuccessNet.com

Comprehension and Critical Thinking

Section 1

1. (a) What are the basic principles on which all State constitutions are based? (b) How do these basic principles reflect the origins of the first State constitutions?
2. (a) Explain how the process of amending a State constitution differs from amending the federal Constitution. (b) How might the two basic methods for changing State constitutions contribute to the need for reform?

Section 2

3. (a) What powers does a State legislature have? (b) How are those powers different from the powers of Congress?
4. (a) What is the difference between an initiative and a referendum? (b) Is the initiative process a reflection of the principle of representative government?

Section 3

5. (a) How does the governor's role as chief executive differ from the President's role as head of the executive branch? (b) Should the formal and informal qualifications for a governorship differ from those for the presidency? Why?
6. (a) Which of the governor's executive powers is most important? Explain. (b) Do the governor's judicial powers conflict with the principle of separation of powers? Why or why not?

Section 4

7. (a) What is common law and what are its origins? (b) Why do you think that it remains important to our legal system?
8. (a) What does the use of juries tell you about traditional American views of the proper role of citizens and government officials in the judicial process? (b) What does the trend away from jury trials say about trends in the American system of justice?

Section 5

9. (a) What are the three ways by which State and local judges are selected today? (b) Do you or would you approve of the Missouri Plan as a fair and effective way to select judges in your State? Why or why not?
10. **Analyzing Political Cartoons** (a) What does "streamlining the judicial process" mean? (b) What are the benefits to States and individuals of streamlining? (c) What, according to this cartoon, is a disadvantage?



"In the interest of streamlining the judicial process, we'll skip the evidence and go directly to sentencing."

Writing About Government

11. Use your Quick Write exercises from the section assessments to write an essay that explains the aspect of State government you selected. Make sure the body supports your thesis with accurate information and reasoned arguments. See pp. S3–S5 in the Skills Handbook.

Apply What You've Learned

12. **Essential Question Activity** Speak with a State legislator, legislative aide, or employee of State government. Ask:
 - (a) How does State government most directly affect people's lives?
 - (b) Is State government as responsible to voters as it should be?
 - (c) If you could change the structure of State government, what would you do?

13. **Essential Question Assessment** Use the interview you conducted to write an editorial that helps you answer the Essential Question: **How much power should State government have?** In your editorial, propose what you think is the one most important reform that should be made to your State's government. Explain your reasoning and include information from your interview to help persuade readers of the benefits of your suggested reform.

Essential Questions Journal To respond to the chapter Essential Question, go to your **Essential Questions Journal**.

SECTION 3

5. (a) A governor shares power with other State executives. The President is alone at the top. (b) Some students may feel that since both positions require similar responsibilities, the qualifications should be the same. Others may feel that President is a broader and more crucial job requiring more experience and greater qualifications.
6. (a) Students should choose one of the executive powers and support their choice. (b) The governor can alter judicial decisions, thereby checking the power of the judicial

branch, by using the powers of pardon, commutation, reprieve, and parole. The governor cannot remove a judge or jury or decide a case, but only change a decision and probably would not do this lightly because of public opinion.

SECTION 4

7. (a) The common law is unwritten, judge-made law developed over centuries from generally accepted ideas of right and wrong that have gained judicial recognition. It originated in England. (b) Possible answer: It is important because it is

Document-Based Assessment

CHAPTER 24

Direct Democracy in the States

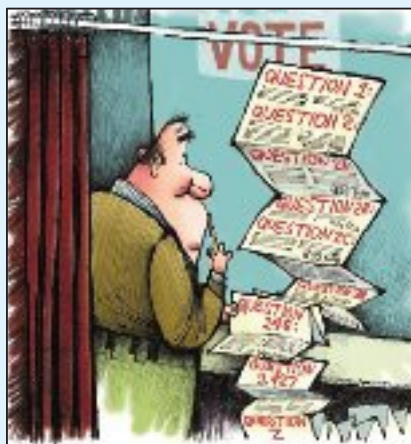
The initiative and referendum are crucial tools of direct democracy that grew out of the Populist and Progressive reform movements of the nineteenth and early twentieth centuries quoted in Document 1. These reforms increased control of government by the voters, but some critics wondered how effective they really are, as shown in Document 2.

Document 1

Corruption dominates the ballot-box, the Legislatures, the Congress, and touches even. . . the bench. The people are demoralized; . . . [t]he newspapers are largely subsidized or muzzled, public opinion silenced, business [exhausted], homes covered with mortgages, labor impoverished, and the land concentrating in the hands of capitalists. . . . From the same [fertile] womb of governmental injustice we breed the two great classes—tramps and millionaires. . . . We have witnessed for more than a quarter of a century the struggles of the two great political parties for power and plunder, while grievous wrongs have been inflicted upon the suffering people. We charge that the controlling influences dominating both these parties have permitted the existing dreadful conditions to develop without serious effort to prevent or restrain them. Neither do they now promise us any substantial reform. . . . They propose to sacrifice our homes, lives, and children on the altar of mammon; to destroy the multitude in order to secure [corrupt] funds from the millionaires. . . . RESOLVED, that we commend to the favorable consideration of the people and the reform[ist] press the legislative system known as the initiative and referendum.

—The Populist Party Platform, 1892

Document 2



Use your knowledge of the police power and Documents 1 and 2 to answer Questions 1–3.

- Through the initiative and referendum, the Populist Party hoped to
 - redistribute money and land so that all Americans would be economically equal.
 - create long and confusing ballots designed to trick voters.
 - give Americans more faith in the powerful and wealthy leaders.
 - take power away from the wealthy and special interests and restore it to the common people.
- What concern about ballot reforms is the cartoonist expressing in Document 2? Explain.
- Pull It Together** Do you think that initiatives and referenda are still effective ways for voters to influence or control government in the States? Explain.



GOVERNMENT ONLINE

Go Online head

To find more primary sources about direct democracy, visit PearsonSuccessNet.com

DOCUMENT-BASED ASSESSMENT

- D
- Reforms will result in so many candidates and initiatives that the ballot will become too long and complicated for ordinary citizens to understand.
- Essays should reflect an understanding of the need to give reasonable voice to ordinary citizens without overcomplicating elections. Students should recognize that voters have an important role in a democracy, whether exercised indirectly through elected officials or directly through initiative and referendum.

L2 Differentiate Students use all the documents on the page to support their thesis.

L3 Differentiate Students include additional information available online at PearsonSuccessNet.com.

L4 Differentiate Students use materials from the textbook, the online information at PearsonSuccessNet.com, and do additional research to support their views.



Go Online to PearsonSuccessNet.com for a student rubric and extra documents.

tradition on which many written laws and judicial decisions today are based.

- (a) possible answer: faith in ordinary citizens and suspicion of government (b) Possible answer: It may indicate a desire for fast, inexpensive results and more efficient government; less confidence in the motivation and competence of jurors and more confidence in professional jurists.

SECTION 5

- (a) popular election, appointment by governor, appointment by legislature (b) Students should support their opinion.

- (a) simplifying the trial process (b) a quicker, less costly resolution of a trial (c) the possibility that critical evidence would not be heard and a fair judgment might not be reached

WRITING ABOUT GOVERNMENT

- Essays should be well-organized and clearly explain the concept or process students worked to develop throughout the chapter.

APPLY WHAT YOU'VE LEARNED

- Responses should summarize the interviewee's answers.

- Students' editorials should contain well-organized, informative details presented in an effective, persuasive style.

Introduce the Chapter

Essential Questions:

UNIT 7

What is the right balance of federal, State, and local government?

CHAPTER 25

How local should government be?

ACTIVATE PRIOR KNOWLEDGE

Have students examine the photo and quotation on these pages. Ask: **What do the photo and quotation suggest about the importance of local governments in citizens' lives?** (*Local governments can be agents of change for their citizens.*) In this chapter, students will learn how State and local governments serve citizens. Tell students to further explore local governments by completing the Chapter 25 Essential Question Warmup activity in their **Essential Questions Journal**. Discuss their responses.

BEFORE READING

L2 ELL Differentiate Chapter 25 Prereading and Vocabulary Worksheet (Unit 7 All-in-One, p. 74)

SUCCESSNET STUDENT AND TEACHER CENTER

Visit **PearsonSuccessNet.com** for downloadable resources that allow students and teachers to connect with government "on the go."

DIGITAL LESSON PRESENTATION

The digital lesson presentation supports the print lesson with activities and summaries of key concepts. Activities for this chapter include:

- **Municipalities and Townships**
- **State and Local Spending**

SKILLS DEVELOPMENT

ANALYZE CAUSE AND EFFECT

You may wish to teach analyzing cause and effect as a distinct skill within Section 2 of this chapter. Use the Chapter 25 Skills Worksheet (Unit 7 All-in-One, p. 94) to help students learn how to analyze cause and effect. The worksheet asks students to read an excerpt and then explain how highway construction is described as both a cause and an effect. For L2 and L1 students, assign the adapted Skill Activity (Unit 7 All-in-One, p. 95).



The chapter WebQuest challenges students to answer the chapter Essential Question by asking them about local government.



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Block Scheduling

BLOCK 1: Teach the Section 1 lesson and assign the L3 Extend option. Teach the Section 2 lesson, omitting the city planning activity and the Extend options.

BLOCK 2: Teach the Section 3 and 4 lessons, omitting the Extend options.

Local Government and Finance

Essential Question

How local should government be?

Section 1:

Counties, Towns, and Townships

Section 2:

Cities and Metropolitan Areas

Section 3:

Providing Vital Services

Section 4:

Financing State and Local Government

“Now, we find ourselves on the brink of great change and we stand at the edge of greatness.

... We can choose to try new ideas, new approaches, new ways of doing things.

—Philadelphia Mayor Michael Nutter

Photo: Mayor Nutter in Philadelphia's City Hall, 2008



GOVERNMENT ONLINE

On the Go

To study anywhere, anytime, download these online resources at PearsonSuccessNet.com

- Political Dictionary
- Audio Review
- Downloadable Interactivities

Lesson Goals

SECTION 1

Students will . . .

- use a transparency to discuss the typical structure and variations in county governments.
- work with a partner to debate the need for county government.
- investigate their own local government structure to complete an informational diagram.

SECTION 2

Students will . . .

- compare and contrast the three basic forms of city government using a transparency.
- experience the planning function of city government by planning a city square.

SECTION 3

Students will . . .

- list and categorize services that they receive from State and local governments.
- role play to complete a worksheet ranking the importance of State and local services from various perspectives.
- compare their rankings of State services against actual State and local spending.

SECTION 4

Students will . . .

- list and categorize taxes as progressive or regressive.
- use a bar graph to discuss sources of State and local revenue.
- evaluate different types of State and local taxes based on four criteria describing “a good tax.”

DIFFERENTIATED INSTRUCTION KEY

Look for these symbols to help you adjust steps in each lesson to meet your students' needs.

L1 Special Needs

L2 Basic

ELL English Language Learners

LPR Less Proficient Readers

L3 All Students

L4 Advanced Students

Pressed for Time

To cover the chapter quickly, have students complete the Reading Comprehension worksheets for Section 1 and Section 2. Write each type of local government—counties, towns, townships, and cities—on the board and ask students to volunteer features of each. Clarify the type of local government in your community. Define and describe the structure of the types of local government. Ask students to suggest the types of services that each needs to provide. Discuss how local governments raise money to pay for these services. Conclude by emphasizing this importance of local government and have students write a journal entry to answer this question: **Would it be possible for a nation as large as the United States to meet the needs of its citizens without local governments?** Have students provide reasoned arguments and details to support their positions.

GUIDING QUESTION

What are the similarities and differences of local governments, special districts, and tribal governments?

Types of Local Government		
Counties	Towns	Townships
<ul style="list-style-type: none">• New England: serve as judicial districts• South and West: main unit in rural areas• Elements: governing body, several boards or commissions, appointed bureaucrats, elected officials• Governing body usually has executive and legislative powers• Boards of commissioners: include fair board, planning commission, board of health• Administer State and county laws; keep peace; maintain jails; assess property for taxes; collect taxes; spend county funds; maintain roads, bridges, schools; record deeds, marriage licenses, other documents; issue licenses; administer elections; care for poor; safeguard health	<ul style="list-style-type: none">• Found in New England• Major unit of local government in New England• Include rural and urban areas• Deliver services provided by cities and counties elsewhere• Town meeting open to all eligible voters—levies taxes, makes spending and policy decisions, elects officials• Board of selectmen/selectwomen manages town business• Direct democracy replaced by representative government in larger towns	<ul style="list-style-type: none">• Mid-Atlantic and Midwest share government with counties• About half have annual township meetings• Others have elected board of trustees or supervisors• Municipality—separate urban unit within township• Townships tend to be rural

SKILLS DEVELOPMENT

ANALYZE POLITICAL CARTOONS

To help students analyze the political cartoon used in this lesson, have them turn to the Skills Handbook, p. S22, and use the steps explained there.

SECTION 1

Counties, Towns, and Townships



Guiding Question
What are the similarities and differences of local governments, special districts, and tribal governments? Use a chart similar to the one below to record facts about local governments.

Types of Local Government		
Counties	Towns	Townships
<ul style="list-style-type: none">• Major unit of local government•	<ul style="list-style-type: none">• Found in New England•	<ul style="list-style-type: none">••

Political Dictionary
• county • municipality
• township • special district

- Objectives**
1. Describe the typical county, its governmental structure, and functions.
 2. Analyze the need for reform in county government.
 3. Identify the responsibilities of tribal governments.
 4. Examine the governments of towns, townships, and special districts.

Image Above: Local governments provide fire protection and many other essential services.

You know that the Census Bureau is in the people-counting business. Do you know that it also counts a great many other things—including units of government? The Bureau's Census of Governments found an astounding 89,527 governments in the United States. In 2007, it counted the Federal Government, 50 States, and 89,476 local governments across the country.

Those local units come in many different shapes and sizes. Some have only a handful of employees and operate with only meager budgets. Others have tens of thousands of employees and budgets of a billion dollars or more. Many perform only a single public function, such as providing fire protection or water service. Others, including nearly all cities and most urban counties, deliver a long list of services, limited only by budgetary and legal restraints.

The Constitution of the United States says nothing about local governments. So, cities, towns, counties, school districts, and all other local governments, unlike the Federal Government and the 50 States, have no independent constitutional standing. They are, instead, creatures of the States.

Recall that each of the 50 States is a *unitary* government. Each one of them has the reserved power to create local governments and structure them in whatever ways it chooses—and also to abolish them, if it chooses to do so.¹ Whether they are providing services, regulating activities, collecting taxes, or doing anything else, local governments can only act because the State that established them has given them the power to do so.

Counties

A **county** is a major unit of local government in most States. Like all local governments, it is created by the State. There are 3,033 county governments in the United States today. No close relationship exists between the size of any given State and the number of counties in that State. The number of county governments per State ranges from none in Connecticut and Rhode Island and three in Delaware to as many as 254 in Texas.

¹ The Census Bureau found 116,756 local units in its first Census of Governments, in 1952. The States, then, have abolished more than 31,000 units of local government over the past half century. The Bureau conducts the Census of Governments in every fifth year ending in 2 or 7.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • Counties exist in most States. • County responsibilities may include building and maintaining roads, sewers, and other public works; operating jails; keeping public records; and safeguarding health. • Towns and townships are found in the Northeast and Midwest. • Special districts serve specific functions at the local level.

CONCEPTS: types of governments, role of government

ENDURING UNDERSTANDINGS: • Local governments supply basic services of daily life. • County, town, and township governments offer many of the same services. • Special districts are created where other boundaries don't correspond with the area in need of services. • Federally recognized Native American tribal governments are sovereign.

Counties also differ greatly in terms of population. More than 10 million people now live in Los Angeles County in California, but census-takers could find only 67 residents of Loving County, Texas, in 2000. Most counties serve populations of fewer than 50,000.

County Government Structure

The structures of county government differ, too, and often considerably. Even so, a county typically has four major elements: a governing body, a number of boards or commissions, appointed bureaucrats, and a variety of elected officials.

The Governing Body The county's governing body is frequently called the county board. It is also known as the board of commissioners, board of supervisors, police jury, assembly, legislature, and board of chosen freeholders, among other names.

The members of this governing body are almost always popularly elected. Terms of office run from two to six years, but four-year terms are the most common. Board members are usually chosen from districts within the county rather than on an at-large basis.

Generally, county boards can be grouped into two types: boards of commissioners and boards of supervisors. The board of commissioners is the smaller, more common type. It is found everywhere in the South and West, and it is also common elsewhere. A board of commissioners most often has three or five members, but some have seven or more.

The board of supervisors is typically a much larger body. It averages about 15 members but can run to 80 or more. The supervisors are elected from single-member districts in the county. Each supervisor may be an officer of his or her township, as well as a member of the countywide governing body.

The State constitution and acts of the State legislature spell out the powers held by county governing bodies. Those powers are usually both executive and legislative, despite the American tradition of separation of powers.

County governments' most important legislative powers deal with finance. Everywhere, county boards levy taxes, appropriate funds, and incur limited debts. They also have a number of other legislative powers—for example, in the fields of public health and corrections.

 **Checkpoint**
In what ways do counties vary across the country?

incur
v. bring about, gain

The county courthouse is often the center of county government, as in Sevier County, Tennessee.



Differentiated Resources

The following resources are located in the All-in-One, Unit 7, Chapter 25, Section 1:

- L2** Prereading and Vocabulary Worksheet (p. 74)
- L3** Reading Comprehension Worksheet (p. 77)
- L2** Reading Comprehension Worksheet (p. 79)
- L3** Core Worksheet (p. 81)
- L2** Core Worksheet (p. 82)
- L2** Extend Activity (p. 84)
- L3** Quiz A (p. 85)
- L2** Quiz B (p. 86)

[illegible]

Get Started

LESSON GOALS

Students will . . .

- use a transparency to discuss the typical structure and variations in county governments.
- work with a partner to debate the need for county government.
- investigate their own local government structure to complete an informational diagram.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 7 All-in-One, p. 77) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 7 All-in-One, p. 79)

BELLRINGER

Write on the board: **What types of local government exist in our area? What are the names of the governmental units that apply to you? Write your answers in your notebooks.**

L2 ELL Differentiate Suggest that students create a concept web to record the information.

Answers

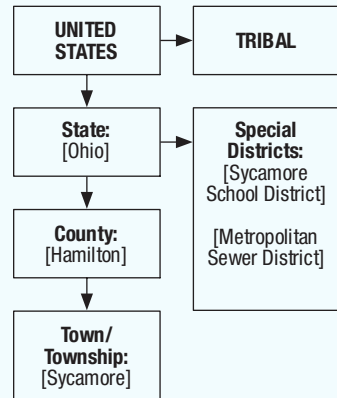
Checkpoint Counties vary in size and number, with some States having none. Counties serve almost solely as judicial districts in New England. In Mid-Atlantic and Midwestern States, counties share rural government with townships. In the South and West, counties are the main rural government.

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

INTRODUCE THE TOPIC

Explain to students that this lesson is about the forms of local government in the United States. Draw a simple flowchart on the board to show the levels of government in a typical State: State, county, town/ township. Include tribal government if applicable.



Discuss aspects of each specific form of local government in your State and have students use the information from the Bellringer activity to fill in details on the flowchart for the area in which they live. Students may come from different towns or counties, which can all be listed on the flowchart. It may be helpful to display a map showing towns and counties in your State. Help students identify your county on the map.

L2 ELL Differentiate Clarify that the word *county* is different from *country*, and make sure that students understand that a county is an area within a State. You may wish to show an outline map of the United States to clarify *country* and a map of your region with county boundaries to clarify *county*.

Answers

County Government Structure Students will likely note that the school superintendent has the greatest impact on their lives.

County Government Structure

A typical county government is made up of a governing body, often known as a county board, and several appointed and elected officials with assigned responsibilities. *Which local government officials have the greatest impact on your daily life?*



An elected county board (above) holds broad powers over budgets and programs. Specialized officials like the county assessor (left) may be elected or appointed.

County Official Duties

County Board	Levies taxes and sets spending Administers roads, county buildings, and programs Appoints boards and officials
Sheriff	Runs county jail Provides rural police protection Carries out court orders May collect taxes
Clerk	Registers and records documents for property, birth, and death Runs county elections
Assessor	Sets the value of taxable property Collects property taxes
Treasurer	Keeps county funds
Auditor	Keeps financial records
District Attorney	Conducts criminal investigations Prosecutes criminal cases
School Superintendent	Administers public schools
Coroner	Investigates violent deaths Certifies causes of death

Most boards also carry out a number of administrative functions. They supervise the county road program and manage county property, including the courthouse, jails, hospitals, and parks. They are often responsible for the administration of welfare (cash assistance) programs and the conduct of elections. They are also responsible for the hiring of most county employees—from a few dozen or so in many rural places to several thousand in most metropolitan areas. And, importantly, they determine the pay of nearly all of the people who work for the county.

Other Elements In addition to its governing body, the typical county's government regularly includes a number of other elected officials—as you can see in the chart on this page.

Then, too, county governments usually feature several boards and commissions, whose members are also sometimes elected. Those agencies frequently include a fair

board, a planning commission, a board of health, a library board, and a board of road viewers. Altogether, the nation's 3,033 counties now employ some three million men and women who do the day-to-day work of those units of local government.

Functions of Counties

Because counties are creations of the State, they are responsible for the administration of State laws. They also administer such county laws as the State's constitution and legislature allow their governing bodies to make.

Historically, nearly all counties have been institutions of rural government. Most remain rurally oriented today. Although there are some differences from State to State, the major functions of counties still reflect their rural character.

Their most common functions are to keep the peace and maintain jails and other

Background

SOCIOECONOMIC INTEGRATION Inequality among school districts remains a problem. With forced racial integration meeting increased opposition, schools are trying new approaches. One approach, called "socioeconomic integration," assigns children to schools based on income level rather than on race. In this way, students from lower income areas have access to the educational opportunities found in schools in higher income areas. In the early 1990s, the La Crosse, Wisconsin, school district became the first in the nation to integrate students from different economic groups. Since then, test scores in La Crosse have risen and dropout rates have fallen. Observing this success in La Crosse, other schools began similar plans. According to researcher Richard Kalenberg, socioeconomic integration works because, "the obstacles to good schooling . . . track much more closely along economic lines than racial lines."

correctional facilities; assess property for tax purposes; collect taxes and spend county funds; build and repair roads, bridges, drains, and other public works; and maintain schools. Counties record deeds, mortgages, marriage licenses, and other documents; issue licenses for such things as hunting, fishing, and marriage; administer elections; care for the poor; and work to safeguard the health of the people who live in the county.

Many counties have taken on other functions as they have become more urban. Several of these more heavily populated counties now offer many of the public services and facilities that are usually found in cities. They provide water and sewer service; have professionally trained police, fire, and medical units; and operate airports and mass transit systems. Some also enforce zoning and other land-use regulations. Many have built and now operate auditoriums, stadiums, golf courses, and other recreational facilities.

The Need for Reform

County organization is often chaotic. In the typical county, no single official can really be called the *chief* administrator. Rather, authority is divided among a number of elected boards and officials, each largely independent of the others. Too often, it is impossible to identify who is responsible for inefficiency or inaction (or worse) in the conduct of county affairs.

The large number of popularly elected officials adds to the chaos. Faced with the typical county's long ballot, voters are often hard-pressed to make informed choices. Also, many of those elected officials have no basic public policy-making responsibilities. Many people are convinced that popular election is not the best way to fill those offices.

The size and the number of counties in most States are another source of weakness. Nearly every county now in existence was laid out in the days of the horse and the stagecoach. Then, it made good sense to draw county lines so that no one lived more than a dozen miles or so from the county seat. Today, however, most counties are geographically ill-suited to the realities of the modern world.

One way in which many States have attempted to reform county government is through county home rule. That is, those 37 States allow some or all of their counties, subject to approval by the local voters, to decide the details of their own governmental structure.

Another approach to reform seeks to deal with the fragmented authority of counties. It does so by creating the position of county manager, modeled along the lines of the council-manager form of city government. Still another approach is county-city consolidation—where a major city and the county around it join into a single unit of government. San Francisco, California, and Nashville, Tennessee are leading examples.

Tribal Governments

Tribal governments exist as a distinct form of government. Unlike State, county, or community governments, however, the governments of recognized Native American nations have a unique “government-to-government” relationship with the United States. These Native American tribes are considered sovereign nations, with the right to govern their own people on their own territories unless otherwise specified by treaty or acts of Congress.

Official recognition by the Federal Government is crucial for tribal governments because it establishes their sovereignty and exempts them from State or local control. For example, some tribes have established gambling casinos on their reservations even though the territory lies within States that do not allow that type of gambling. Because the officially recognized tribes are sovereign, they are not subject to State laws and regulations. Also, recognized tribes are eligible to receive federal funds that can be used to provide local services. Today, there are some 560 federally recognized tribal governments in this country, with authority over the lives of some 1.7 million people.

Typically, a tribal government has an elected leader called a chief or chairman. Most tribes also have a council, which can vary in size from only two or three to almost 100 members. Other than these common

 **Checkpoint**
Why do most county governments need reform?

DISCUSS THE ROLE OF COUNTY GOVERNMENT

Display Transparency 25A, Typical County Government Structure. Have students compare and contrast the information on the transparency with information about your area. For example, does your county have a county board? Which officials are elected and which are appointed? Ask: **Which officials do voters elect in the county government shown in this transparency?** (*members of the county board and officials such as the sheriff, district attorney, clerk, school superintendent, and coroner*) **Who selects the members of the planning commission and budget committee?** (*county board*) Discuss why certain officials might be appointed, while others are elected.

INTRODUCE THE ACTIVITY

Explain that the county is a very old government unit. It dates back to Anglo-Saxon times in England, where it was first called a *shire*. (You may want to share the fact that the word *sheriff* is derived from *shire-reeve*, the main official of the shire.) In some cases, counties were established in the United States largely because they were a traditional and familiar unit of government to settlers from England. As students have read, county government today is often chaotic, outdated, overlaps with town and city governments, or has a very narrow jurisdiction. In some States, county government has been abolished altogether.

Background

TOWN MEETING DAY The first Tuesday of March is Town Meeting Day in Vermont. It is a holiday for State government employees. Almost all Vermont towns practice direct democracy—all eligible voters may attend town meetings and vote. At least 30 days before the meeting, the “warning” is posted, which gives the time and place and lists the “articles” (topics) to be discussed. First the meeting elects a moderator, who calls the meeting to order and reads the first article. Following Robert’s Rules of Order, participants raise their hands to present their views. The vote is taken by voice (“yea” or “nay”) or hand-raising. However, if seven voters move to “divide the assembly,” the vote proceeds by paper ballot. The town clerk records the results, and the moderator moves to the next article. Town meetings also serve a social function; they strengthen community ties as people work together to solve problems.

Answers

Checkpoint Most counties have no chief administrator and fragmented authority, creating unclear accountability. The large number of elected officials overwhelms voters. Also, counties are geographically ill-suited to today’s world.

DISTRIBUTE THE CORE WORKSHEET

Divide the class into pairs and distribute the Chapter 25 Section 1 Core Worksheet (Unit 7 All-in-One, p. 81). Tell students they will use the worksheet to formulate their arguments for a written debate with their partner on whether or not county government is useful in your State—or in cases where it has been abolished, if it should be re-established to perform some particular purposes.

L1 L2 Differentiate Go through the worksheet as a class, rather than letting students work on their own, outlining the arguments on the board. Be sure to give students a few minutes to think about it on their own before you begin.

Name _____ Class _____ Date _____

CHAPTER 25
Section 1

CORE WORKSHEET
Counties, Towns, and Townships

3

Debate on County Government

Determine with your partner who will take each side of the debate topic in the chart below. Then complete the chart to formulate your side of the argument. As you list your arguments, keep the following questions in mind:

- What services does county government perform?
- Would it be better for responsibilities currently held by county government to be held by towns or by the State?
- Does county government help to meet the needs of citizens in some ways better than town or State governments?
- What roles and responsibilities of county government are redundant? What aspects are unique?
- If county governments have been abolished in your State, are there reasons why you think they should be re-established?

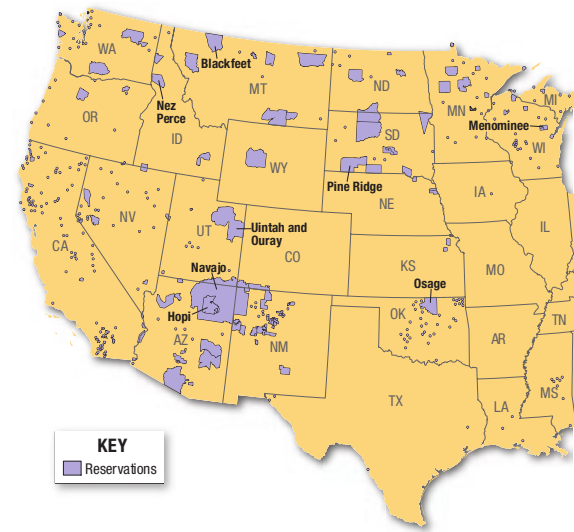
Topic: Is County Government Useful?	
Your Position:	
Supporting Arguments	Possible Rebuttals
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

To complete your debate:

- Separate from your partner and write a draft of your arguments.
- Meet with your partner and share your draft arguments, checking that all main points are covered and that rebuttals are made to each point.
- Based on the meeting, work with your partner to create a final draft of the arguments on both sides of the issue.

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Native American Reservations



Analyzing Maps Native American governments enjoy a sovereign status and a special relationship with the federal and State governments. *Why are reservations organized differently from other forms of local government?*

Checkpoint
How do tribal governments relate to State governments?

vehicle
n. agent through which something is accomplished

constable
n. local police officer

features, tribal governments vary widely in size and structure. Some, such as the Cherokee and Navajo, have a written code or constitution that provides for a State-like government with executive, legislative, and judicial branches. Others are small and loosely organized.

Like State and county governments, tribal governments use federal funds and tax revenue to provide services. These services depend on the size, history, and needs of the tribe. Many tribes have executive officers or departments that oversee policy and manage funds to provide health care, education, and welfare to tribe members. They also oversee cultural events and sites as well as distribute information about the tribe. Even smaller tribal governments provide some services, especially housing and health and education information and support.

Towns and Townships

Towns and townships exist in nearly half the States. They are little known in the South or West but are commonly found from New England to the Midwest.²

The New England Town In New England, the town is a major unit of local government. Except for a few major cities, each of the six States in the region is divided into towns. Each town generally includes all of the rural and the urban areas within its boundaries. The town delivers most of the services that are the responsibility of cities and counties elsewhere around the country.

The roots of the New England town reach back to colonial times. The Pilgrims landed at Plymouth Rock in 1620 as an organized congregation. They quickly set up a close-knit community in which their church and their government were almost one. Other Puritan congregations followed the Pilgrims' pattern.

At least in form, much of town government today is little changed from colonial times. The main feature is a town meeting, long praised as the ideal **vehicle** of direct democracy. The town meeting is an assembly open to all the town's eligible voters. It meets yearly, and sometimes more often, to levy taxes, make spending and other policy decisions, and elect officers for the next year.

Between town meetings, the board of selectmen/selectwomen chosen at the annual meeting manages the town's business. Typically, the board is a three-member body and has responsibilities for such things as roads, schools, care of the poor, and sanitation. Other officers regularly selected at the annual meeting include the town clerk, a tax assessor, a tax collector, a **constable**, road commissioners, and school board members.

The ideal of direct democracy is still alive in many smaller New England towns. It has given way, however, to the pressures

² The term *town* is used in some States as the legal designation for smaller urban places; it is also sometimes used as another word for township. Township is also a federal public lands survey term, used to identify geographic units (often called congressional townships), each having exactly 36 square miles (36 sections).

Political Cartoon Mini-Lesson

Display Transparency 25B, Local Government, when you discuss local government officials. This cartoon shows a student saying that he would rather be a mayor or an alderman than the President. Ask: **Why might the teacher mistake the student's ambitions?** (*She probably doesn't consider mayor or alderman an important office.*) **What important statement about local government is the cartoon making?** (*Local government is very important in our lives, maybe even more important than the National Government.*)

Answers

Analyzing Maps because each tribe is sovereign and may set up its government as it chooses

Checkpoint Tribal governments are usually exempt from State laws and regulations.

of time, population, and the complexities of public problems in many of the larger towns. There, representative government has largely replaced it. Town officers are often elected before the yearly gathering. Many of the decisions once made by the assembled voters are now made by the selectmen and selectwomen. In recent years, several towns have gone to a town manager system for the day-to-day administration of local affairs.

Townships Townships are units of local government found principally in the Northeast and the Midwest. Nowhere do townships blanket an entire State, however.

In New York, New Jersey, and Pennsylvania, townships were formed as areas were settled and the people needed the services of local government. Consequently, the township maps of those States often resemble crazy quilts. From Ohio westward, they mostly follow the regular lines drawn in federal public land surveys. Many are perfect squares.

About half of these States provide for annual township meetings, like those held in New England towns. Otherwise, the governing body is usually a three- or five-member board, generally called the board of trustees or board of supervisors. Its members are elected for fixed terms or serve because they hold other elected township offices. Township offices often include a supervisor, a clerk, a treasurer, an assessor, a constable, a justice of the peace, and a body of road commissioners.

A **municipality** is an urban political unit within a township that usually exists as a separate governmental **entity**. As a result, township functions tend to be rural. They regularly involve such matters as roads, cemeteries, drainage, and minor law enforcement. In some States, however, the township is also the basic unit of public school administration.

Many people believe that townships have outlived their usefulness. More than half the States get along without them. Many rural townships have been abolished as a result

entity
n. unit, thing, element

How Government Works

Municipalities and Townships

Municipalities such as **New Castle, Indiana**, provide a high level of services to the town center and residential neighborhoods within city boundaries. ▶

Townships such as **Henry Township, Indiana**, often surround municipalities, providing a smaller number of services to a predominantly rural population. ▶

▶▶What services might a municipal government provide that a township would not?

New Castle and Henry Township, Indiana

GOVERNMENT ONLINE
Audio Tour
Listen to a guided audio tour of township government at PearsonSuccessNet.com

EXTEND THE LESSON

L3 Differentiate Have students work in small groups to create an informational diagram showing the major elements of your county or local government. The chart should include information about the governing body, boards and commissions, appointed bureaucrats, and elected officials. Encourage students to include the real names of each official and details about his or her roles and responsibilities.

L2 Differentiate Distribute the Extend Activity “Write a Letter to a Local Official” (Unit 7 All-in-One, p. 84), which has students contact local government to suggest improvements for their community.

L4 Differentiate Tell students that the variations in the structure and power of local government exist due to each region’s history. Have students do research and write a report or create an informational pamphlet that compares and contrasts the origins and development of government structure below the State level in the Northeast, the South, the Midwest, and the West.

Government online All print resources are available on the Teacher’s Resource Library CD-ROM and online at PearsonSuccessNet.com.

Tell students to go to the Interactivity for more information about municipalities and townships.

Assess and Remediate

L3 Collect the Core Worksheets and assess the students’ debates, using the Rubric for Assessing a Debate (Unit 7 All-in-One, p. 127).

L3 Assign the Section 1 Assessment questions.

L3 Section Quiz A (Unit 7 All-in-One, p. 85)

L2 Section Quiz B (Unit 7 All-in-One, p. 86)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

Background

CITY OF MIAMI Government at the county level can sometimes seem like an attractive option. With 375,000 residents, Miami, Florida, came dangerously close to disappearing in September 1997. The city faced \$68 million in debt, and top officials were serving sentences in federal prison for corruption. Angry Miamians launched a ballot initiative to dissolve Miami’s city government and pass all responsibilities and authority to Dade County. However, on Election Day, voters chose by a landslide to keep Miami intact.

Answers

Municipalities and Townships A municipal government might be more urban-oriented, while township functions tend to be rural.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Roles and functions of local governments (Questions 1, 2, 4, 5)	On the board, draw a chart like the one in the section opener. Add <i>municipalities</i> and <i>special districts</i> to it. With students, fill in the chart with details from students' original charts and from the text.
Understanding the weaknesses of county government (Question 3)	Have students re-read the text under the heading "The Need for Reform," and write a main idea for each paragraph.

Answers

Checkpoint A municipality serves the urban population within a township.

Assessment Answers

1. A county is a unit of local government below the State and consisting of several towns or townships. County organization is often chaotic because no single official can be called the chief administrator. Towns are smaller units of local government. In New England they are the major form of local government and are governed by a board of selectpersons and through town meetings of all voters. Townships are the major form of local government in New York, New Jersey, and in the Midwestern States. They are also generally administered by an elected board. A special district is an

independent unit of government created for a particular governmental function. Tribal governments are sovereign, if federally recognized, and may operate like small nations outside the control of federal and State governments.

2. (a) to provide rural areas with local services such as roads, cemeteries, drainage, and minor law enforcement; basic unit of public school administration in some States (b) to perform governmental functions at the local level, such as to administer school districts or provide water, sewage, or electrical service

3. chaotic organization; no single chief administrator; authority divided among boards and officials; difficult to identify accountability; geographically ill-suited to today's realities

4. It assumes that they are informed and interested in participating in town issues.

5. possible response: provide essential services, such as water and sewer; administer schools; provide protective services

QUICK WRITE Students should write three important points related to answering their question.

Checkpoint
What is the purpose of a municipality?

of declining populations, improvements in transportation, and other factors.

Some of the more densely populated townships appear to have brighter futures than their country cousins, however. This seems especially true in the suburban areas around some larger cities. Some States, such as Pennsylvania, now allow townships to exercise many of the powers and furnish many of the services once reserved for cities.

Special Districts

There are now tens of thousands of special districts across the country. A **special district** is an independent unit created to perform one or more related governmental functions at the local level. These districts are found in mind-boggling variety and in every State. School districts—some 13,500 of them—are by far the most common example. More than 35,000 other special districts also blanket the country, and their numbers are growing.

Special districts are found most often, but not always, in rural and suburban areas. Many have been created to provide water, sewage, or electrical service; to furnish fire or police protection; and to build and maintain bridges, airports, swimming pools, libraries,

or parks. Others have been created for such purposes as soil conservation, housing, public transportation, irrigation, or reforestation. There are even, in many places, special districts for dog or mosquito control purposes.

A leading reason for the creation of special districts has been the need to provide a particular service in a wider or a smaller area than that covered by a county or a city. For example, a special district might be needed to handle pollution in the several counties through which a river flows. On the other hand, a special district might be set up to provide fire protection in some out-of-the-way locale.

In many cases, special districts have been formed because other local governments could not, or would not, provide the services desired. Others have been created to **sidestep** constitutional limits on the size of a city's or a county's debt; to finance a public service out of users' fees instead of general tax revenue; and to take advantage of some federal grant program.

The governing body for a special district is almost always an elected board. It has the power to lay taxes (usually on property) or charge fees, as well as the powers to spend and to carry out the function(s) for which it was created.

sidestep
v. avoid, get around

SECTION 1 ASSESSMENT

Essential Questions Journal
To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

1. **Guiding Question** Use your completed chart to answer this question: What are the similarities and differences of local governments, special districts, and tribal governments?
- Key Terms and Comprehension**
2. What is the main purpose of (a) a township? (b) a special district?
3. What factors generally make county governments inefficient?

- Critical Thinking**
4. **Identifying Assumptions** Consider the concept of the New England town meeting. What does this form of local government assume about the citizens of the town?
5. **Drawing Inferences** Review the functions of county and town or township government. List and describe at least three examples that show how these governing bodies affect the day-to-day lives of people in your community.

Quick Write

Writing for Assessment: Develop the Main Points When writing for assessment, carefully plot your response *before* you begin writing. Select one of the questions below. In a chart or outline, develop at least three major points that you might cover to answer that question.

(a) How do county and township governments differ from one another?

(b) What are the strengths and weaknesses of the different forms of city government?

SECTION 2

Cities and Metropolitan Areas



Guiding Question

How do city governments serve the needs of residents and other Americans? Use an outline to take notes about the ways in which city governments serve people.

- I. America's Rural-Urban Shift
- II. Incorporation and Charters
- III. Forms of City Government
- A. Mayor-Council Form

1. _____
2. _____

Political Dictionary

- incorporation
- charter
- mayor-council government
- strong-mayor government
- weak-mayor government
- commission government
- council-manager government
- zoning
- metropolitan area

Objectives

1. Explain the process of incorporation and the function of city charters.
2. Contrast the major forms of city government.
3. Evaluate the need for city planning and list some major municipal functions.
4. Outline the challenges that face suburbs and metropolitan areas.

Image Above: City of Rochester, New York

We are fast becoming a nation of city dwellers. Where once our population was small, mostly rural, and agricultural, it is now large, mostly urban, and dominated by technology, manufacturing, and service industries. In 1790, a mere 5 percent of the population lived in the nation's few cities. Today, more than 240 million people—more than 80 percent of the population—live in the nation's cities and their surrounding suburbs.³ For local governments, that change has had dramatic consequences.

The larger the number of people living in close contact with one another, the greater the strains on local governments. The larger the population, the greater the problems in providing water, police and fire protection, sewers, waste removal, streets and traffic regulation, public health services, schools, recreational facilities, and more. The larger the population, the more extensive—and expensive—all of this becomes.

Incorporation and Charters

Remember, each of the 50 States is a unitary government. That means that each State has complete control over all of the units of local government within its borders. All those units, including cities, were created by the State, received their powers from the State, and are subject to a variety of limitations imposed by the State.

The process by which a State establishes a city as a legal body is called **incorporation**.⁴ Each State sets out in its constitution, or by statute, the conditions and the procedures under which a community may become an incorporated municipality. Typically, a State requires that a minimum number of persons live within a given area before incorporation can take place.

The fact that cities are incorporated highlights an important difference between city and county government. Cities are created largely at the request of their residents, because residents want certain public services. Counties,

³ Depending on local custom and State law, municipalities may be known as cities, towns, boroughs, or villages. The use and meaning of these terms vary among the States. The larger municipalities are known everywhere as cities, and the usual practice is to use that title only for those communities with significant populations.

⁴ The term *incorporation* comes from the Latin words *in* (into) and *corpus* (body).

GUIDING QUESTION

How do city governments serve the needs of residents and other Americans?

- I. America's Rural-Urban Shift
- II. Incorporation and Charters
 - A. Cities incorporated to provide public services to residents
 - B. Charter sets out city's form of government and powers
- III. Forms of City Government
 - A. Mayor-Council Form
 1. Council: elected legislature, often nonpartisan
 2. Mayor: elected or chosen by council
 - B. Commission Form
 1. Elected commissioners carry out legislative and executive functions
 2. Each commissioner heads department; one serves as mayor with no extra power
 - C. Council-Manager Form
 1. Strong council, weak mayor
 2. Council chooses professionally trained manager to be chief administrator
 3. Council makes policy; manager carries out
- IV. City Planning
 - A. Planning commission to manage growth
 - B. Zoning (residential, commercial, industrial) sets rules for land use
- V. Municipal Functions
 - A. Police and fire protection
 - B. Build and maintain streets, sidewalks, bridges, street lights, parks, libraries, hospitals, schools, jails, sports arenas
 - C. Furnish public health and sanitation services
 - D. Operate water, gas, electric, transportation systems
 - E. Regulate traffic, building codes, pollution, public utilities
- VI. Metropolitan Areas
 - A. Movement to suburbs removing resources from cities while creating greater need for city services
 - B. Metropolitan districts cut across county and city lines to provide specific services

SKILLS DEVELOPMENT

ANALYZE CAUSE AND EFFECT

To practice analyzing cause and effect in this section, use the Chapter 25 Skills Worksheet (Unit 7 All-in-One, p. 94). You may teach the skill explicitly either before or after teaching the lesson. For L2 and L1 students, assign the adapted Skill Activity (Unit 7 All-in-One, p. 95).

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • Most Americans today live in or near cities. • States create city governments through incorporation. • City governments take one of three forms: mayor-council, commission, or council-manager. • Cities manage their growth by zoning land for specific uses. • Annexation, special districts, and increased county authority are ways to provide services to suburban residents.

CONCEPTS: types of governments, role of government

ENDURING UNDERSTANDINGS: • Local governments provide a wide range of public services to residents. • As the population shifted from rural to urban and then to suburban, different forms of local government arose to serve the population.

Get Started

LESSON GOALS

Students will . . .

- compare and contrast the three basic forms of city government using a transparency.
- experience the planning function of city government by planning a city square.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 7 All-in-One, p. 87) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 7 All-in-One, p. 89)

BELLRINGER

Display Transparency 25C, City Government. Write on the board: **List five characteristics that make [insert name of your city] a “city.”** If the school is not located in a city, insert the name of the city nearest you.

Checkpoint
How are cities established?

on the other hand, exist largely to serve the administrative needs of the State. Cities do act as agents of the State, of course—for example, in law enforcement and public health. But the principal reason for the existence of a city is for the convenience of those who live there.

The **charter** is a city’s basic law, its constitution. Its contents may vary from city to city, but commonly the charter names the city, describes its boundaries, and declares it to be a municipal corporation. As a municipal corporation, a city has the right to sue and be sued in the courts; to have a corporate seal; to make contracts; and to acquire, own, manage, and dispose of property.

Generally, the charter sets out the other powers **vested** in the city and outlines its form of government. It also provides how and for what terms its officers are to be chosen, outlines their duties, and deals with finances and other matters.

vest
v. place in the control of

Forms of City Government

Although variations can and do exist, each city has one of three basic forms of government. A city has either (1) a mayor-council, (2) a commission, or (3) a council-manager form of government.


► **Analyzing Tables** Why is the power to write the budget important to mayors?

What does a mayor do?

The mayor is the official representative and face of the city. In a strong-mayor government, the mayor has the power to

- recommend or veto city laws
- preside over council meetings
- hire and fire city employees
- write the budget

The more common weak-mayor government assigns most of those powers to other elected officials or the city council.



Mayor Richard Daley of Chicago

The Mayor-Council Form The **mayor-council government** is the oldest and still the most widely used type of city government. It features an elected mayor as the chief executive and an elected council as its legislative body.

The council. The council is almost always unicameral and typically has five, seven, or nine members. Some larger cities have more. New York City has the largest council, with 51 members. Members of the council are popularly elected, almost always from districts (wards) within the city. Terms of office vary from one to six years. Four-year terms are the most common.

A move to nonpartisan city government began in the early 1900s. Its champions believed that (1) political parties were a major source of corruption in city government, and (2) partisan contests at the State and national levels have little to do with municipal problems and local issues. Today, less than one third of all cities still run their elections on a partisan basis.

The mayor. Generally, the voters elect the mayor. In some places, however, the council chooses one of its members to serve as mayor. The mayor presides at council meetings, usually may vote only to break a tie, and may recommend—and often veto—ordinances. In most cities, the council can override the veto.

Mayor-council governments are often described as either of the strong-mayor or the weak-mayor type, depending on the powers given to the mayor. This classification is useful for purposes of description. It blurs the importance of informal power in city politics, however.

In a **strong-mayor government**, the mayor heads the city’s administration, usually has the veto power, can hire and fire employees, and prepares the budget. Typically, the mayor is able to exercise strong leadership in making city policy and running the city’s affairs.

In a **weak-mayor government**, the mayor has much less formal power. Executive duties are shared with other elected officials—for example, a clerk, treasurer, city engineer, police chief, and even council members.

750 Local Government and Finance

Differentiated Resources

The following resources are located in the All-in-One, Unit 7, Chapter 25, Section 2:

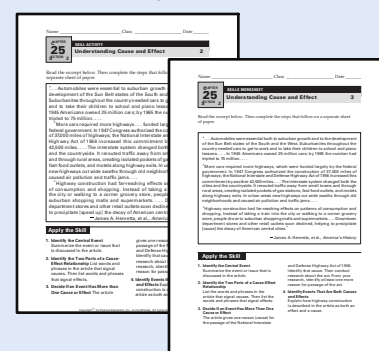
- L3** Reading Comprehension Worksheet (p. 87)
- L2** Reading Comprehension Worksheet (p. 89)
- L3** Core Worksheet (p. 91)
- L2** Extend Activity (p. 96)
- L3** Skills Worksheet (p. 94)
- L2** Skill Activity (p. 95)
- L3** Quiz A (p. 97)
- L2** Quiz B (p. 98)

Answers

Checkpoint A State establishes a city through the process of incorporation, once the community meets the conditions required under the State’s laws and constitution.

Analyzing Tables Possible answer: Writing the budget allows a mayor to implement city policies and programs that are priorities of his or her administration.

750 Local Government and Finance



Powers of appointment, removal, and budget are shared with the council or exercised by that body alone. The mayor seldom has a veto power.

Most mayor-council cities operate under the weak-mayor rather than the strong-mayor plan. The strong-mayor form is most often found in larger cities.

The success of the mayor-council form depends in very large measure on the power, ability, and influence of the mayor. In weak-mayor cities, responsibility for action or inaction is hard to assign. The strong-mayor plan helps to solve the problems of leadership and responsibility. Still, the mayor-council form has three large defects:

1. It depends heavily on the capacities of the mayor.
2. A major dispute between the mayor and the council can stall the workings of city government.
3. It is quite complicated and, so, is often little understood by the average citizen.

The Commission Form The **commission government** is simple in structure. Three to nine, but usually five, commissioners are popularly elected. Together, they form the city council, pass ordinances, and control the **purse strings**. Individually, they head the different departments of city government: police, fire, public works, finance, parks, and so on. Thus, both legislative and executive powers are centered in one body.

The commission form was born in Galveston, Texas, in 1901, after a tidal surge had devastated the city. When the existing mayor-council government proved unequal to the task, the Texas legislature gave Galveston a new charter, providing for five commissioners to make and enforce law in the stricken city. Intended to be temporary, the arrangement proved so effective that it soon spread to other communities across the country.

Depending on the city, either the voters or the commissioners themselves choose one of the commissioners to serve as the mayor. Like the other commissioners, the mayor heads one or more of the city's departments. He or she also presides at council meetings and represents the city for ceremonial purposes.

The mayor generally has no more authority than the other commissioners and rarely has a veto power.

Although many reformers supported the commission form at first, experience pointed up serious defects in the system, and its popularity fell off rapidly. Only a very few American cities have a commission form of government today.

The commission form has three chief defects:

1. The lack of a single chief executive makes it difficult to assign responsibility. This can also mean that the city has no effective political leadership.
2. A built-in tendency toward "empire building" often surfaces. Each commissioner tries to draw as much of the city's money and influence as possible to his or her own department.
3. A lack of coordination **plagues** the topmost levels of policymaking and administration. Each commissioner is likely to equate the city-wide public good with the particular interests and functions of his or her department.

The Council-Manager Form The **council-manager government** is a modification of the mayor-council form. Its main features are (1) a strong council of usually five or seven members elected at-large on a nonpartisan ballot; (2) a weak mayor chosen by the voters; and (3) a manager, the city's chief administrative officer, named by the council.

The form first appeared in Ukiah, California. In 1904, that city's council appointed an "executive officer" to direct the work of city government. The first charter expressly providing for the council-manager form was granted to the city of Sumter, South Carolina, in 1912.

The council is the city's policymaking body. The manager carries out the policies the council makes. He or she is directly responsible to that body for the efficient administration of the city. The manager serves at the council's pleasure and may be dismissed at any time and for any reason.

Today, most city managers are professionally trained career administrators. As chief administrator, the manager directs the

plagues
v. disturbs, negatively affects

purse strings
n. access to financial resources

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

UNDERSTAND FORMS OF CITY GOVERNMENT

Have students read their list of characteristics from the Bellringer activity. Discuss what a city is and how it is different from a town or township. Work with the class to agree on a definition of a city. (*Sample answer: A city is a community where a large number of people live, which is incorporated and has a charter from the State.*)

Display Transparency 25D, Three Forms of City Government. Use the diagrams to compare and contrast the three forms. Ask: **In which form of government do the voters directly elect the department heads? (commission form) How is the council-manager form the same as and different from the strong mayor form? (The voters elect the council and the mayor in both, but in the council-manager form, the manager—not the mayor—is the chief administrator.)**

L2 ELL Differentiate Clarify that *municipality*, *urban area*, and *municipal area* generally have the same meaning as *city*. You may also want to clarify the meanings of the terms *council*, *mayor*, and *manager*, to be sure that students understand the roles of each in the various types of city governments.

EVALUATE THE FORMS AND VOTE

Discuss the three forms of city government. Have students work with a partner or work as a whole class to create a list of advantages and disadvantages of each form, based on students' reading. Then ask: **What form of city government do you think would be the most effective for our community? Why?** Ask students to vote by a show of hands. Have volunteers explain why they voted the way that they did. Ask them to write a journal entry that predicts what might happen if a city has an ineffective government.

Myths and Misperceptions

THE LAND OF CITIES Which State has the most cities? Asked this question, Americans are likely to name the largest or most populous States: New York, California, Texas, Florida, or even Alaska. The surprising answer to the question is—Illinois. With nearly 1,300 incorporated municipalities, the "Land of Lincoln" is also the land of cities—about 1 out of every 14 cities in the entire United States is located in Illinois. However, this count is based on the fact that what constitutes a "city" differs from State to State. For example, Illinois counts many small municipalities as cities, while Juneau, Alaska, could be considered the largest city in the nation because it includes an area of several hundred square miles.

INTRODUCE THE ACTIVITY

Ask students to suppose that a main square in a city has become run down, with several vacant and dilapidated buildings, and therefore needs to be redeveloped. Ask: **What needs must a city square meet to be a successful space?** (*ways for people to get there, attractions to draw people there, and basic needs such as food, water, and restrooms*) **What types of buildings and other features would help provide these needs?** (*Students might suggest popular restaurants and shops, hotels, attractive landscaping, benches or picnic tables, parking spaces, bike lanes, water fountains, and restrooms.*)

DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 25 Section 2 Core Worksheet (Unit 7 All-in-One, p. 91). Explain that students will work in small groups and use this worksheet to develop a plan for a city square. Review the steps listed on the worksheet. Remind them that in brainstorming, they should record all ideas. They will evaluate these ideas and select the best ones in the next step.

Name _____
Class _____
Date _____

CHAPTER
25
SECTION 2

CORE WORKSHEET

Cities and Metropolitan Areas 3

Plan a City Square

The city manager has hired your group to plan the redevelopment of a square in the heart of the city. The square consists of an open park area surrounded by two city blocks of building sites on each side. The rundown buildings have been removed, so the area is currently empty. The manager wants the square to be the city's centerpiece—a place that will attract residents and visitors to spend time downtown. To accomplish this goal, a task force has identified the categories you must include in your plan in the charts on the following pages. Your task is to plan structures and other features for the square, draw your plan, and then present it to city council.

- With your group, brainstorm ideas about specific structures and features for each category in the charts on the following pages. For example, in the "Restaurants" category, list specific types of restaurants to consider, such as an elegant steak house and a drive-through taco stand. In the "Other" category, record ideas that do not fit one of the required categories. Remember that you are brainstorming, so record all ideas.
- As a group, evaluate your list of ideas and select those that you think will best fulfill the city manager's vision for the square.
- Work as a group to sketch your plan. Lay out the city blocks and locate the structures and other elements. Be sure to consider vehicle and foot traffic patterns.
- Evaluate your sketch and revise it into a final poster-size drawing. Label each structure and feature. Use colors to make the plan attractive. If you have computer access, you could use the drawing tools and clip art to create your plan.
- Assign each group member a part of the plan to present. Individually, prepare your part of the presentation. Then practice the presentation as a group and revise it based on feedback from group members.

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Checkpoint
What are the strengths and weaknesses of commission government?

expendable
adj. disposable, replaceable

work of all city departments and has the power to hire and fire all city employees. The manager also prepares the budget for council consideration and controls the spending of the funds the council appropriates.

The council-manager plan has the backing of nearly every expert on municipal affairs, and its use has spread widely. It is now found in more than 8,000 communities, including most of those cities with populations between 25,000 and 250,000.

The council-manager plan has three major advantages over other forms of city government:

1. It is simple in form.
2. It is fairly clear who is responsible for policy, on the one hand, and for its application, on the other.
3. It relies on highly trained experts who are skilled in modern techniques of budgeting, planning, computerization, and other administrative tools.

In theory, the nonpolitical manager carries out the policies enacted by the council. Yet, in practice, sharp distinctions between policymaking and policy-application seldom exist. The manager is very often the chief source for new ideas and fresh approaches to the city's problems. On the other hand, the city council often finds it politically useful to share the responsibility for controversial decisions with the "expendable" city manager.

Some critics of the council-manager form hold that it is undemocratic because its chief executive is not popularly elected. Others say that it lacks strong political leadership. This is a particular shortcoming, they argue, in larger cities, where the population is often quite diverse and there can be many competing interests. Support for this view can be seen in the fact that only a handful of cities with more than a half a

GOVERNMENT ONLINE
Interactive
For an interactive exploration of city government, visit
PearsonSuccessNet.com



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Tell students to go to the Audio Tour to listen to a guided audio tour of city governments.

Answers

Checkpoint strengths: simple structure, individual commissioners responsible for specific departments; weaknesses: lack of chief executive weakens leadership and accountability, individual commissioners tend to compete for money and influence, lack of coordination

Alternate Forms of City Government Commission: Each commissioner heads a department. Mayor-Council: Mayor is chief executive, but weak mayor shares executive duties with other officials. Council-Manager: Manager is chief executive.

752 Local Government and Finance

Background

SPRAWL While the media and city planners have often lamented sprawl, it is sometimes hard for the average person to see the overall problems that result from a lack of city planning and zoning. *A Field Guide to Sprawl*, by Dolores Hayden (with photographs by Jim Wark), remedies this situation. In a series of photographs and simple explanations, Hayden shows examples of how sprawl affects the environment and reveals names given to various types of land-use practices. Terms such as "snout house" (a house where a garage is dominant and projecting) and "zoomburb" demonstrate why city planning is so important in today's growing communities. Ms. Hayden's Web site provides a Sprawl Quiz based on the book, which students may enjoy.

million residents have a council-manager government in place today.

City Planning

With few exceptions, most American cities developed haphazardly, without a plan, and with no eye to the future. The results of this shortsightedness can be seen in what is often called the core area or the inner city. These are the older and usually overcrowded central sections of larger cities.

Industrial plants were placed anywhere their owners chose to build them. Rail lines were run through the heart of the community. Towering buildings shut out the sunlight from the narrow streets below. Main roads were laid out too close together and sometimes too far apart. Schools, police and fire stations, and other public buildings were squeezed onto cheap land or put where the political organization could make a profit. Examples are endless.

Planning Growth Fortunately, many cities have seen the need to create order out of their random growth. Most have established some sort of planning agency. It usually consists of a planning commission, supported by a trained professional staff.

A number of factors have prompted this step. The need to correct past mistakes has often been a compelling reason, of course. Also, many cities have recognized both the advantages that can result, and the pitfalls that can be avoided, through well-planned and orderly development. Importantly, the Federal Government has spurred cities on. Most federal grant and loan programs require that cities that seek aid must first have a master plan as a guide to future growth.

City Zoning The practice of dividing a city into a number of districts, or zones, and regulating the uses to which property in each of them may be put is called **zoning**. Generally, a zoning ordinance places each parcel of land in the city into one of three spheres: residential, commercial, or industrial zones.

Each of these zones is then divided into subzones. For example, each of several residential zones may be broken down into

several areas. One may be reserved for single-family residences, another may allow one-family and two-family dwellings, and a third, large apartment buildings.

Most zoning ordinances also **prescribe** limits on the height and area of buildings, determine how much of a lot may be occupied by a structure, and set out several other such restrictions on land use. They often have “setback” requirements, providing that structures must be placed at least a certain distance from the street and from other property lines.

Zoning still meets opposition from many who object to this interference with their right to use their property as they choose. Even so, nearly every city of any size in the United States is zoned today. The city of Houston, where zoning was turned down three times by popular vote, remains the only major exception.

Zoning ordinances must be reasonable. Remember that the 14th Amendment prohibits any State, and thus its cities, from depriving any person of life, liberty, or property without due process of law. Each of the 50 State constitutions contains a similar provision.

Clearly, zoning does deprive a person of the right to use his or her property for certain purposes. Thus, if an area is zoned for single-family dwellings only, one cannot build an apartment house or a service station on property in that zone. Zoning can also reduce the value of a particular piece of property. A choice corner lot, for example, may be much more valuable with a drive-through restaurant or gas station on the property rather than a house.⁵

While zoning may at times deprive a person of liberty or property, the key question is always this: Does it do so without due process? That is, does it do so unreasonably?

The question of reasonableness is one for the courts to decide. The Supreme Court first upheld zoning as a proper use of the police power in *Euclid v. Amber Realty Co.*, 1926, a case involving an ordinance enacted by the city council of Euclid, Ohio.

⁵ Nonconforming uses in existence before a zoning ordinance is passed are almost always allowed to continue. Most ordinances give the city council the right to grant exceptions, called variances, in cases where property owners might suffer undue hardships.

 **Checkpoint**
How do cities plan for the future?

prescribe
v. order, set down, specify

FOLLOW UP AND VOTE

Have the groups present their finished plans to the class. Then have the class vote by secret ballot to select the overall best plan. Discuss with the class what was so attractive about the winning design. Ask: **Does the winning design best meet the city manager's goal? Why or why not? If not, what other features should it have?**

L3 Differentiate Post the groups' plans around the room with a blank piece of paper next to each one. Allow time for students to look at other groups' work and comment on it in a Conversation Wall (p. T27). After students have commented, give groups time to read the comments on their work, respond, and make improvements to their plans.

MAKE A JOURNAL ENTRY

Have students complete the activity by writing a journal entry about the process of their city square planning. Ask them to consider the following questions: **Did the group work well together? Did all members contribute? Were the priorities the same for everyone? Were you satisfied with the final plan? Why or why not? What comments by other students did you find helpful? What changes, if any, did you make to your group's plan based on peer feedback?**

Background

MODERN-DAY CITY PLANNING Modern-day city planning has reached its boldest extreme in fast-growing Portland, Oregon. In 1995, regional leaders adopted the 2040 Growth Concept to curb traffic and preserve Portland's natural beauty and neighborhoods. The 2040 Growth Concept focuses development on urban centers inside a line called the Urban Growth Boundary. Houses and apartments are built close to one another and to commercial buildings. Inside the line, public transportation, walking, and bicycling are attractive alternatives to driving. Outside the line, development is strictly limited.

Answers

Checkpoint They establish some sort of planning agency and zoning ordinances.

EXTEND THE LESSON

L3 Differentiate Tell students to research and write a report on the development of a planned city of the past, such as Washington, D.C., or a modern planned community, such as Celebration, Florida. Reports should focus on the goals of the designers and whether or not students think those goals were achieved.

L2 ELL Differentiate Have students use mapping and satellite photography software, such as Google Maps, to analyze your community. Ask them to print out their neighborhoods and label different zones: residential, commercial, and industrial.

L2 Differentiate Have students research and report on one zoning law in your community. Students should summarize for the class the purpose of the zoning law and what it allows, establishes, or restricts.

L2 Differentiate Distribute the Extend Activity “Your City Government” (Unit 7 All-in-One, p. 96), which has students attend a local government meeting and report on it to the class.

L4 Differentiate Remind students that American cities have been the breeding ground for powerful political machines. Ask students to report on the history and influence of political machines such as the Tammany Hall machine in New York City or the Daley machine in Chicago. Students should investigate the means by which these machines obtained and retained power over city government and beyond. Encourage students to research the events that brought about the decline of the machines’ power. Allow students to present their findings in a variety of ways.

L4 Differentiate Have students work in pairs or small groups to research and report to the class on an area that has been a target of community planning in the last five years in their own, or in a nearby, community. (To avoid duplication, pre-approve topics before work begins.) Reports should include the project’s history and current status. Students should analyze it from start to finish and evaluate its success. Alternatively, you may ask students to create annotated timelines giving details of the project. Encourage students to interview participants and to include maps and images of the project—before and after.

Answers

Farms, Cities, Suburbs rural settlement: people largely self-sufficient, with local government providing few services to widely dispersed population; urban settlement: local government provides wide range of services to large, densely packed population; suburban settlement: city, county, and special district governments provide services to broad metropolitan areas

Checkpoint to set rules for land use

Farms, Cities, Suburbs

The United States began as a rural nation, but factories and new opportunities drew millions to cities in the 1800s and early 1900s. Today, about half of all Americans live in suburbs that bridge the gap between country and city. *How do different forms of settlement affect the responsibilities of local government?*



✓ Checkpoint
What is the purpose of zoning?

Municipal Functions

The services a city provides day in and day out are so extensive that it is almost impossible to catalog them. Most larger cities, and many smaller ones, issue annual reports on the city’s condition. These are often book-length publications.

Consider just a few of the many things that most or all cities do. They provide police and fire protection. They build and maintain streets, sidewalks, bridges, street lights, parks and playgrounds, swimming pools, golf courses, libraries, hospitals, schools, correctional institutions, day-care centers, airports, public markets, parking facilities, auditoriums, and sports arenas. They furnish public health and sanitation services, including sewers and wastewater treatment, garbage collection and disposal, and disease prevention programs.

Cities operate water, gas, electrical, and transportation systems. They regulate traffic, building codes, pollution, and public utilities. Many cities also build and manage public housing projects, provide summer youth camps, build and operate docks and other harbor facilities, and maintain tourist attractions.

Metropolitan Areas

The growth of urban areas has raised many problems for city dwellers. Urban growth also affects residents of nearby suburbs.

The Suburban Boom About half of all Americans now live in suburbs. The nation’s suburbs first began to grow rapidly in the years after World War II, and that growth has continued. As suburban populations have mushroomed, many of the nation’s larger cities have actually lost residents.

These dramatic population shifts stemmed, in large part, from peoples’ desire for more room, cheaper land, greater privacy, and less smoke, dirt, noise, and congestion. Many have also sought less crime, newer and better schools, safer streets and playing conditions, lower taxes, and higher social status. The car and the freeway turned millions of rooted city dwellers into mobile suburbanites.

Businesses followed customers to the suburbs, often clustering in shopping centers or malls instead of traditional downtowns. Many industries moved from the central city in search of cheaper land, lower taxes, and a more stable labor supply. Industries also

Teacher to Teacher Network

ALTERNATE LESSON PLAN Mayors sometimes take on politically controversial issues, such as the environment, climate change, and gun control. Have students research initiatives that a mayor in their area is working on and select one to look into further. They should describe the issue, explain the mayor’s plan for addressing it, present the arguments for and against the plan, and assess the success of the plan to date. Student groups could focus on different initiatives.

To see this lesson plan, go to



sought an escape from city building codes, health inspectors, and other regulations.

This “suburbanitis” has added to city-dwellers’ **woes**. As high-income families have moved out, they have taken their civic, financial, and social resources with them. They have left behind center cities with high percentages of older people, low-income families, and minorities. Both the need for, and the stress on, city services have multiplied.

Metropolitan Areas Suburbanites face their share of problems, too, including the need for water supplies, sewage disposal, police and fire protection, transportation, and traffic control. **Duplication** of such functions by city and suburb or by city and county can be wasteful, even dangerous. More than one fire has raged while neighboring fire departments quibbled over the responsibility for fighting it.

Attempts to meet the needs of the nation’s **metropolitan areas**—cities and the areas around them—have taken several forms. Over the years, annexation has been the standard means. Outlying areas have simply been brought within a city’s boundaries. Many suburbanites resist annexation, however, and many cities have been hesitant to take on the burdens involved.

Another approach has been to create special districts designed to meet the problems of heavily populated urban areas. Their boundaries frequently cut across county and city lines to include an entire metropolitan area. They often are called metropolitan districts and can serve one purpose (for example, maintaining parks) or many.

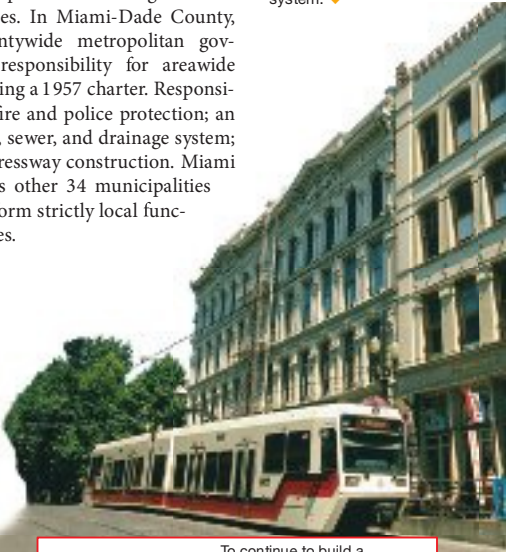
In Oregon, a regional agency known as Metro manages several activities in an area that includes Portland, the State’s largest city, and 23 other municipalities. Within this region, Metro is responsible for land-use and transportation planning, solid-waste disposal programs, and the operation of the Oregon Convention Center, the Oregon Zoo, and other facilities.

Yet another approach to the challenges facing metropolitan areas is increasing the authority of counties. Among local governments around the country, counties are generally the largest in area and are most likely to include those places demanding new and increased services. In Miami-Dade County, Florida, a countywide metropolitan government took responsibility for areawide functions following a 1957 charter. Responsibilities include fire and police protection; an integrated water, sewer, and drainage system; zoning; and expressway construction. Miami and the county’s other 34 municipalities continue to perform strictly local functions and services.

woe
n. problem

duplication
n. doubling

Portland’s metropolitan government operates a popular regional transit system. ▼



Essential Questions Journal To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

SECTION 2 ASSESSMENT

1. Guiding Question Use your completed outline to answer this question: How do city governments serve the needs of residents and other Americans?

Key Terms and Comprehension

- 2. What are the key differences between a **strong-mayor** and a **weak-mayor government**?
- 3. List at least five functions of municipal government.

Critical Thinking

- 4. **Comparing Points of View** Zoning may be used to exclude businesses popular with young people from residential neighborhoods. (a) Why do you think this is so? (b) Is this a fair use of a local government’s police power? Why or why not?
- 5. **Determining Cause and Effect** How have shifts in the American population led to changes in the responsibilities and organization of local government?

Quick Write

Writing for Assessment: Gather Details Reread the question you have chosen and the main points you developed in Section 1. Gather details from the text that support each of the main points to answer the question. Briefly check your final list to delete unnecessary details.

Assessment Answers

- 1. City governments manage growth through zoning, create and manage the budget, and provide important public services. City governments also make and enforce regulations (such as traffic laws, building codes, and pollution laws).
- 2. A strong mayor can exercise strong leadership in making city policy and running the city’s affairs. A weak mayor has much less formal power and shares executive duties with other elected officials.

- 3. provide police and fire protection; build and maintain streets, bridges, and libraries; furnish public health and sanitation facilities; operate water, gas, electric, and transportation systems; build and maintain public housing
- 4. (a) Local government makes rules based on the interests of the entire neighborhood, not just a segment of it. (b) Yes. The interests of different segments of a community often conflict, and it is an appropriate role of local government to settle such conflicts with rules that benefit the community as a whole.
- 5. Possible answer: The population shift from

farms to cities created a need for city governments to provide a wide range of services and plan for orderly growth. The movement to the suburbs gave rise to special districts and broader county authority to provide essential services to wider metropolitan areas.

QUICK WRITE Students should list details that support the main idea in the answer to their question. For example, students addressing the second question should provide specific details about the benefits and drawbacks of each form of city government.

Assess and Remediate

- L3** Collect the Core Worksheets and assess the students’ plans, using the Rubric for Assessing the Performance of an Entire Group (Unit 7 All-in-One, p. 125).
- L3** Assign the Section 2 Assessment questions.
- L3** Section Quiz A (Unit 7 All-in-One, p. 97)
- L2** Section Quiz B (Unit 7 All-in-One, p. 98)

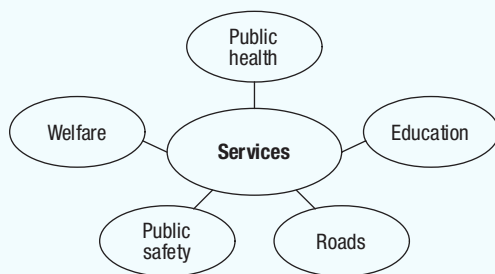
Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Roles and responsibilities of city government (Questions 1, 3, 5)	Draw a concept web on the board. With students fill in the web with details from their section outlines on the roles and responsibilities of city government.
Differences between the two types of mayoral government (Question 2)	Display Transparency 25D and have students work in pairs to quiz each other about the structure of types of city government.
Functions of zoning and city planning (Question 4)	Have students re-read the text under the heading “City Planning,” and write a summary of the purpose of zoning.

GUIDING QUESTION

What services do State and local governments provide?



Get Started

LESSON GOALS

Students will . . .

- list and categorize services that they receive from State and local governments.
- role play to complete a worksheet ranking the importance of State and local services from various perspectives.
- compare their rankings of State services against actual State and local spending.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 7 All-in-One, p. 99) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 7 All-in-One, p. 100)

SKILLS DEVELOPMENT

COMPARE VIEWPOINTS

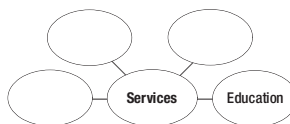
Before students complete the Core Worksheet in this section, you may want to review tips on comparing viewpoints in the Skills Handbook, p. S15.

SECTION 3

Providing Vital Services

Guiding Question

What services do State and local governments provide? Use a concept web similar to the one below to record information about State and local government services.



Political Dictionary

- Medicaid
- entitlement
- welfare

Objectives

1. Explain why State and local governments have a major role in providing important services.
2. Identify State and local services in the fields of education, public welfare, public safety, and highways.

Image Above: Educational spending includes computers, books, and salaries.

The 50 State governments and their tens of thousands of local governments are principally responsible for many of the public services with which most Americans are familiar. The many differences among States means that there can be variations in both the quantity and the quality of those public services, but they include, especially, those in the areas of education, public safety, welfare, streets and highways, and public health. The several States deliver services to their residents in two ways: (1) directly, through State agencies conducting State-operated programs, and (2) through the many local governments the States have created.

Education

Public education is among the oldest of all State responsibilities. Boston Latin School, in Massachusetts, is the oldest public school in continuous existence in the United States; it opened its doors in 1635. The State of New York created the first school districts in 1812. Today, public education is also among the most important of all State responsibilities. This is reflected in the fact that education is the most expensive item in every State's budget, accounting for about 30 percent of all State spending.

Funding for public education has risen sharply over recent decades. Rising costs and mounting pressures for better schools have led to increased spending. The amount of money spent per pupil in public schools has nearly doubled over the past 25 years.

Primary and secondary public education is largely the responsibility of local governments. Local taxes, especially property taxes, provide much of the funding for schools.

Of course, the States do provide some financial assistance to their local governments for education. The level of that aid varies, however. Some States contribute well over half the cost of primary and secondary education. Others provide only a minor fraction of the cost.

In addition, States set guidelines in order to promote quality in the schools. For example, State laws establish teacher qualifications, curricula, quality standards for educational materials, and the length of the school year.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • Under the federal system, States and local governments provide many important services. • State and local governments provide education, help ensure public welfare and safety, and build and maintain highways. • State and local governments vary widely in the number, extent, and types of services they provide.

CONCEPTS: types of governments, purpose of government, federalism

ENDURING UNDERSTANDINGS: • The U.S. Constitution reserves to the States all powers not delegated to the Federal Government or not denied to the States. • Education is the largest spending category for State and local governments.

State interest and involvement in those matters have intensified in recent years. Most States have established “curriculum frameworks” or “content standards” outlining the material that must be covered in core subjects. Every State now has an extensive Statewide testing program, fueled by the No Child Left Behind Act signed by President Bush in 2002.

At the college and university levels, the States also play a major role. States understand that, in order for businesses to succeed in the State, a ready supply of highly trained college graduates is key. Every State has a public higher education system, which may include universities, technical schools, and community colleges. Education at State universities and colleges is generally much less expensive than at private institutions. On average, **tuition** at four-year public colleges and universities is about one fourth that of private four-year schools. Nevertheless, many public institutions—for example, the University of California at Berkeley—are ranked among the world’s finest schools.

Public Welfare

States take an active role in promoting the health and welfare of their residents. They pursue that goal by a variety of means.

Public Health Most States fund ambitious public health programs. States operate public hospitals and offer direct care to millions of citizens. They immunize children against dangerous childhood diseases, such as measles and mumps. With the Federal Government, they administer such programs as **Medicaid**, which provides medical care and some other health services to low-income families. Recent soaring costs in the health-care industry have placed a great strain on many States’ budgets.

Cash Assistance Another major area in which States contribute to the well-being of their citizens is cash assistance to the poor, commonly called **welfare**. States now take a leading role in this area.

Checkpoint
What are a State’s responsibilities for education?

tuition
n. fee paid for schooling

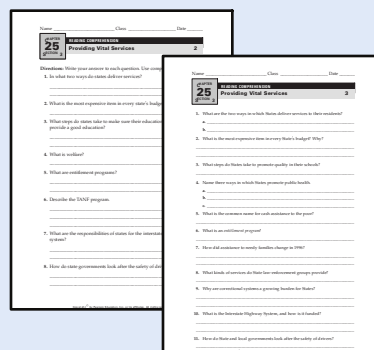


Chapter 25 • Section 3 757

Differentiated Resources

The following resources are located in the All-in-One, Unit 7, Chapter 25, Section 3:

- L3** Reading Comprehension Worksheet (p. 99)
- L2** Reading Comprehension Worksheet (p. 100)
- L3** Core Worksheet (p. 101)
- L3** Quiz A (p. 102)
- L2** Quiz B (p. 103)



BELLRINGER

Write on the board: **List ten services that State and local governments provide that directly affect your life.**

L1 Differentiate Ask students to provide five, instead of ten, services.

L2 ELL Differentiate Tell students to review the main headings/topics in the section, to help generate items for their lists.

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

CATEGORIZE THE BELLRINGER RESPONSES

Write these headings on the board: **Education, Public Welfare, Public Safety, Public Health, Roads.** Have students read the services they listed in the Bellringer activity and sort them under the appropriate category. Also, ask students to identify which level of government provides each service. Ask: **Why are these services provided at the State or local level and not by the National Government?** (Local governments have better knowledge about how to meet the needs of their citizens.)

RANK THE IMPORTANCE OF SERVICES

Divide the class into seven groups. Assign each group one of the following roles: (1) student in the local high school; (2) parent of three school-age children; (3) police officer; (4) taxi driver; (5) carpenter; (6) elderly resident; (7) worker who lives outside the community.

Tell students that they will complete a worksheet from the perspective of their assigned role by ranking various services provided by State and local governments. They will also explain their reasoning based on the role they are playing.

L3 Differentiate Students may work individually or in their role groups to complete the worksheet.

L1 L2 ELL Differentiate You may want to assign these students more straightforward or familiar roles, such as the student or parent.

Tell students to go to the Online Update for current information on State and local spending.

Answers

Checkpoint to help fund schools and to set guidelines to promote quality education; to help support a system of State colleges and universities

State and Local Spending Federal spending focuses on programs benefiting the nation as a whole, such as the military, whereas State and local spending supports programs for the local community, such as schools, assistance to needy citizens, and police and fire protection.

DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 25 Section 3 Core Worksheet (Unit 7 All-in-One, p. 101). Give students time to complete the first column on their own.

L1 L2 ELL Differentiate Before beginning, review the service categories on the worksheet and offer examples of each to clarify.

FOLLOW-UP—COMPARE PERSPECTIVES

After students complete their own ranking, have them work in groups of students assigned to the same role to reach a consensus on the rankings. Then ask them to post their rankings around the room, as well as to explain their choice for their number one ranking. Discuss any differences in the rankings from group to group. Then ask students to vote to create a class ranking. Have students record class rankings on the Core Worksheet.

L3 Differentiate Have students write a journal entry explaining why they agree or disagree with the class ranking.

Display Transparency 25E, State and Local Spending. Ask: **How closely do State and local spending align with your rankings?** For example, did most students feel that education was the most important service? Were parks and recreation the least important?

EXTEND THE LESSON

L3 Differentiate Have students find one or two recent articles that describe a difference of opinion on how to fund public schools. Ask them to summarize in a bulleted list the main arguments from the different viewpoints. Then ask them to take a position and write a paragraph supporting their position.



The Federal Government shares the cost of highway projects like Boston's Big Dig with the States and counties where they are built. **Why do local governments make most decisions about road building?**

✓ Checkpoint
What is the purpose of public welfare spending?

entitled
adj. eligible for by right

recipient
n. one who receives

Between 1936 and 1996, the Federal Government provided cash assistance to needy families through the Aid to Families with Dependent Children (AFDC) program.⁶ AFDC was an **entitlement** program, which means that anyone who met the eligibility requirements was **entitled** to receive benefits. The Federal Government and the States shared the costs of providing AFDC benefits. Critics of AFDC pointed to soaring costs, expanding caseloads, and the absence of time limits on benefits as serious problems with the program. Because of these issues, critics argued that the program encouraged people to depend on government assistance rather than become self-supporting.

In 1996, AFDC was replaced with a new and strikingly different program, Temporary Assistance to Needy Families (TANF). Unlike AFDC, TANF is a block grant program: The Federal Government gives States a fixed amount of money each year, regardless of whether the number of TANF **recipients** rises or falls. The States are then free to

⁶ AFDC was authorized by Title IV of the Social Security Act of 1935. Until 1962, the program was named Aid to Dependent Children, as the 1935 act was aimed simply at needy dependent children.

use the federal grant, plus the State funds that they are obliged to contribute, to design and implement their own welfare programs. TANF limits recipients to a total of five years of assistance during the course of their lifetimes, and recipients must work or participate in some form of vocational training or community service.

The number of families on welfare has plunged since the mid-1990s. Many who remain on welfare must overcome a number of barriers, such as physical or mental disabilities or substance abuse, in order to obtain and hold jobs. Now that States have the primary responsibility for welfare, it is their task to find ways to help these families.

Other Efforts States do much more to promote their citizens' health and welfare. They make and enforce antipollution laws to protect the environment; they inspect factories and other workplaces to protect worker safety; they license healthcare practitioners to ensure quality care; and the list goes on and on.

Public Safety

One of the oldest law-enforcement groups, the legendary Texas Rangers, was established in 1835. Today, a variety of police forces, from the local sheriff to academy-trained State police, operate in every State to preserve law and order.

The State police are perhaps the most visible group, since they patrol the State's roads and highways. State law-enforcement forces perform other vital services, as well. They may function as the primary police force in rural communities, investigate crimes, provide centralized files for fingerprints and other information, and provide training and many other services to support local law-enforcement agencies.

Each State has its own corrections system for those convicted of dealing with State crimes. States operate prisons, penitentiaries, and other correctional facilities, including those for juvenile offenders.

Operating these disciplinary systems is a growing burden for States. Today, more than 2.5 million people are incarcerated, more than half of them in State prisons.

Political Cartoon Mini-Lesson

Display Transparency 25F, Another Real Estate Foreclosure, when you discuss the responsibility of States to help local governments pay for public education. This cartoon predicts possible consequences if California chooses to cut school funding. The reference to foreclosure relates to the foreclosure and credit crisis in 2008, when many people lost their homes due to increases in their mortgage rates. Ask: **What does the building represent?** (schools and California's future) **What option is California considering to help balance its budget?** (making large cuts to school funding) **Does the cartoonist support this proposal? How do you know?** (No. He depicts the proposed cuts as a wrecking ball about to demolish the California school system and, with it, the State's future. The dark cloud above the school contributes to this gloomy forecast.)

Answers

Caption Possible response: Local governments are best able to judge where roads in their jurisdiction are most needed.

Checkpoint to provide cash assistance to needy citizens for up to five years while they work or receive training to become self-sufficient

Two leading causes of booming prison populations are (1) increases in the number of people sentenced for violent crimes and (2) the increasing length of the average prison sentence. One result is prison overcrowding. Another result is rising State corrections spending, which has more than doubled over the past 20 years. The States now spend more than \$40 billion each year to build, staff, and maintain prisons and to house prisoners.

In an effort to expand their prison capacity more affordably, many States have hired private contractors to operate some of their prisons. More than 5 percent of all State prisoners are now held in private facilities.

Highways and Other Services

Building and maintaining roads and highways is an enormous job. It regularly ranks among the most expensive of all the many items in State budgets.

Again, the Federal Government is a partner with the States in funding highways. The most impressive example is the Interstate Highway System, a network of high-speed roadways that spans the length and breadth of the continental United States. Construction of the system began with the 1956 Federal-Aid Highway Act and continues to this day.

The Interstate Highway System, now officially known as the Dwight D. Eisenhower System of Interstate and Defense Highways, is 99 percent finished. When finally complete, it will total some 45,000 miles. The Federal Government has paid roughly 90 percent of its total cost.

While the interstate system is a magnificent achievement, it constitutes only a tiny fraction of the nation's more than 4 million miles of roads. Many roadways are built with State, not federal, funds; and the States maintain those roads, as well.

State and local governments must also look after the physical safety of drivers on the roads. Besides patrolling the roads, State and local governments set speed limits. The States license drivers to ensure their competence, and many States require periodic safety inspections of vehicles.

As indicated earlier, the many services the States and their local units provide are really far too numerous to be recounted here. That these services are not detailed here does not discount the importance of such functions as the setting aside of public lands for purposes such as conservation and recreation, the regulation of business practices, and the protection of consumers from a variety of dangers and inconveniences.

Checkpoint
How do State and local governments ensure the safety of the people?

capacity
n. ability to hold

Assess and Remediate

L3 Collect the Core Worksheets and assess the students' class participation, using the Rubric for Assessing Individual Performance in a Group (Unit 7 All-in-One, p. 126).

L3 Assign the Section 3 Assessment questions.

L3 Section Quiz A (Unit 7 All-in-One, p. 102)

L2 Section Quiz B (Unit 7 All-in-One, p. 103)

Have students complete the review activities in the digital lesson presentation and continue their work in the Essential Questions Journal.

REMEDIATION

Table with 2 columns: If Your Students Have Trouble With, Strategies For Remediation. Rows include Services provided by State and local governments, Understanding block grants, and Drawing a concept web.

SECTION 3 ASSESSMENT

Essential Questions Journal
To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

1. Guiding Question Use your completed concept web to answer this question: What services do State and local governments provide?

Key Terms and Comprehension

- 2. What are the three largest spending categories in State and local budgets?
- 3. How is an entitlement program different from other spending programs?

Critical Thinking

- 4. Drawing Inferences Why do you think that many States asked the Federal Government to give them block grants to create their own welfare programs?
- 5. Expressing Problems Clearly What challenges do State and local governments face in providing for public welfare and safety? How are governments meeting these challenges?

Quick Write

Writing for Assessment: Write a Strong Opening Statement When writing for assessment, the opening statement should set forth the main idea of your response in an interesting and clear manner.

Assessment Answers

1. State and local governments provide services such as education, public health programs (including Medicaid), and welfare. They promote public safety by maintaining police forces and correctional institutions, making antipollution laws, inspecting factories, licensing health-care providers, setting speed limits, licensing drivers, and requiring vehicle inspections. They build and maintain roads, set aside public lands, regulate businesses, and protect consumers from dangerous products.

- 2. education, other, public welfare
- 3. An entitlement program provides benefits to everyone who meets the eligibility requirements, and it is a form of social welfare.
- 4. possible response: so that the States could design welfare programs according to the needs and wishes of their own citizens
- 5. Possible response: The main challenge is lack of funds. In the case of the corrections system, many States have hired private contractors to operate some prisons. Also, TANF limits welfare recipients to five years of assistance during their lifetimes.

Answers

Checkpoint by maintaining police forces and corrections systems, inspecting workplaces for safety, and licensing health-care providers

QUICK WRITE Students should write an opening statement containing the main idea in their response to the question they selected. Sample opening statement: Each form of city government has its strengths and weaknesses based on the relationship between the executive and the other parts of the government.

LESSON GOAL

- Students will examine issues surrounding State budgets by balancing a sample budget.

Teach

INTRODUCE THE TOPIC

Tell students that a major challenge facing State leaders is to balance the budget. The main issue is how to pay for all the State's services while keeping taxes, fees, and debt low. Elected officials know that voters do not want services cut, but neither do they want higher taxes. Have students read the feature and answer the questions.

L2 ELL Differentiate Explain that a *loophole* is a feature in the tax code that allows some people or businesses to pay less tax.

BALANCE A SAMPLE STATE BUDGET

Distribute the worksheet for this feature (Unit 7 All-in-One, p. 104). Tell students that they will work in pairs to balance a simplified sample State budget. If possible, furnish calculators.

FOLLOW UP

When students have completed their worksheets, have them share their outcomes. Ask: **Were you able to balance the budget? Why or why not? What did you find most challenging about the activity?** Explain that a negative ending balance in the worksheet represents a negative deficit—in other words, a surplus. A *surplus* is extra money that can be saved for future spending.

Assess and Remediate

Have students write a main idea sentence for each quotation and then explain which one they agree with most, and why.

Answers

- (a) possible answer: because governments provide more services to more people than ever before (b) Possible answer: People want services, but no tax increases to pay for them. Therefore, officials risk losing reelection if they either cut services or raise taxes.
- (a) cut spending (b) levy a one-year tax increase to cover the shortfall and then save to cover future deficits (c) Answers will vary.

ISSUES OF OUR TIME

State Taxation and Spending

Track the Issue

The United States was founded, in part, on opposition to taxes. Nonetheless, governments have found many ways to raise money.

1646 **The Massachusetts Bay Colony** establishes the first property tax in the colonies.

1765 **Prompted by the Stamp Act**, the colonists declare "taxation without representation" to be illegal.

1862 **The Federal Government** provides for a temporary income tax to fund the Civil War.

1911 **Wisconsin** establishes the first State income tax.

1964 **New Hampshire** institutes the first modern-day State lottery to pay for programs.

1970s **Voters in several States** rebel against rising property taxes with laws limiting tax increases.

Governor Arnold Schwarzenegger (R., California) ▶

Perspectives

Many Americans complain that the government takes too much money out of their pockets. However, limits on taxes have contributed to deficit spending or cuts in services in the States. What issues do State government officials and taxpaying citizens need to consider when trying to balance budgets?

"With California facing a possible \$14 billion budget deficit, it is not surprising that legislators and the governor are considering tax increases. . . . The potential economic harm and unpopularity of tax increases should put spending increases on the back burner. . . . After all, it is spending increases, not tax breaks that got the State in a financial mess. State taxes take a larger share of personal income than ever before."
—Editorial, *Oakland Tribune*, January 2008

"[The governor's] budget all but ignores options for increasing revenues. . . . legislative leaders should adjourn and lock the doors for two weeks. That way, GOP lawmakers could go back to their districts and explain to voters why closing parks and plundering schools is preferable to closing tax loopholes. . . . Farsighted Republicans could agree to a one-year hike in taxes as part of a universal deal for long-term reform."
—Editorial, *Sacramento Bee*, January 2008

Connect to Your World

- Understand (a)** Why do you think that taxes have increased in number and percentage since independence? **(b)** What is the central conflict in the relationship between taxation and government services?
- Compare and Contrast (a)** How does the editor of the *Oakland Tribune* suggest that California balance its budget? **(b)** How does the editor of the *Sacramento Bee* think that goal should be accomplished? **(c)** With which viewpoint do you agree? Why?

GOVERNMENT ONLINE In the News

To find out about how State budgets affect you, visit PearsonSuccessNet.com

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Background

TAX REVOLT IN ARIZONA The economic downturn in 2008 strained the budgets of families and States. In Arizona, Governor Janet Napolitano vetoed a proposed law that would reduce property taxes. Outraged citizens decided to bypass the legislative process and fight for tax relief directly through the ballot. Citizen organizations, such as The Sun City Taxpayers Association, began gathering signatures to put initiatives on the ballot. These initiatives would limit the amount of property taxes the State could impose. Property taxes hit retirement communities, such as Sun City, especially hard. Most retirees are living on fixed incomes—their incomes do not rise to cover tax increases. If these initiatives pass, however, Arizona could sink deeper into its budget deficit.

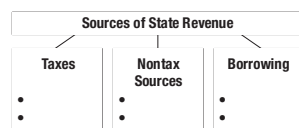
SECTION 4

Financing State and Local Government



Guiding Question

How do State governments raise money to pay for services? Use a chart similar to the one below to record information about the sources of State revenue.



Political Dictionary

- sales tax
- regressive tax
- income tax
- progressive tax
- property tax
- assessment
- inheritance tax
- estate tax
- budget

Objectives

1. Describe the major Federal and State limits on raising revenue.
2. List the four principles of sound taxation.
3. Identify major tax and nontax sources of State and local revenue.
4. Explain the State budget process.

Image Above: Sales taxes are a major source of revenue for State and local governments.

Altogether, the 50 States and their thousands of local governments now take in and spend well over \$2 trillion per year. If you were to place 2 trillion dollar bills end to end, they would extend more than 185 million miles—farther than the distance from Earth to the planet Venus. Where do those governments get all that money, and what do they do with it?

Limits on Raising Revenue

The States now take in well over \$750 billion in taxes every year. Their local governments collect some 625 billion tax dollars every year. Those two basic levels of government also receive nearly \$1 trillion from several nontax sources, too—much of it from the Federal Government.

The power to tax is one of the major powers of the States in the federal system. In a strictly legal sense, then, their taxing power is limited only by the restrictions imposed by the Federal Constitution and those imposed by a State's own fundamental law.⁷

Federal Limitations The Federal Constitution does place some restrictions on the taxing abilities of State and local government. Although few in number, those limits do have a major impact.

The Constitution prohibits the States from taxing interstate and foreign trade. Remember, the Supreme Court's decision in *McCulloch v. Maryland*, in 1819, bars States from taxing the Federal Government or any of its agencies or functions.

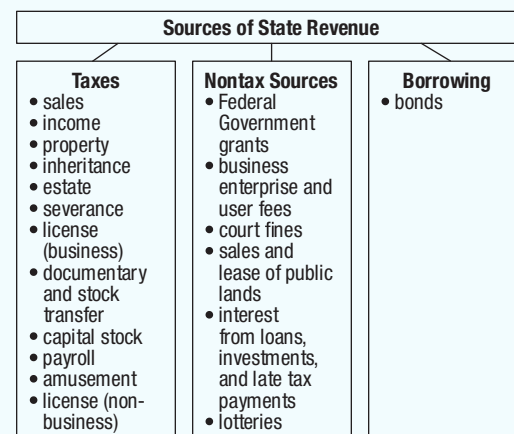
The 14th Amendment's Due Process and Equal Protection clauses place important limits on the power to tax at the State and local levels. Essentially, the Due Process Clause requires that taxes be (1) imposed and administered *fairly*; (2) not so heavy as to actually confiscate property, and (3) imposed only for *public* purposes.

The Equal Protection Clause forbids the making of unreasonable classifications for the purpose of taxation. The clause thus forbids tax classifications

⁷ Remember, the power to tax is also limited by any number of practical considerations—including, especially, economic and political factors.

GUIDING QUESTION

How do State governments raise money to pay for services?



Get Started

LESSON GOALS

Students will . . .

- list and categorize taxes as progressive or regressive.
- use a bar graph to discuss sources of State and local revenue.
- evaluate different types of State and local taxes based on four criteria describing "a good tax."

SKILLS DEVELOPMENT

ANALYZE SOURCES

To help students learn to analyze sources, have them turn to the Skills Handbook, p. S14 and use the steps explained there to complete the Extend Worksheet.

Focus on the Basics

Here is the information that your students need to learn in this section.

FACTS: • The federal Constitution and State constitutions restrict State and local taxing powers. • Adam Smith identified four principles of sound taxation: equality, certainty, convenience, and economy. • The Due Process clause requires taxes to be imposed fairly, in reasonable amounts, and only for public purposes.

CONCEPTS: taxation, Due Process Clause, Equal Protection Clause, budget

ENDURING UNDERSTANDINGS: • Progressive taxes rise along with ability to pay, while regressive taxes fall most heavily on low-income individuals. • Sources of State and local funding include taxes, nontax sources (especially federal grants), and borrowing. • The State budget is the plan for the control and use of public money.

BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 7 All-in-One, p. 105) before class.

L2 Differentiate Reading Comprehension Worksheet (Unit 7 All-in-One, p. 107)

BELLRINGER

Create a two-column chart on the board, with the headings “Progressive” and “Regressive.” Write on the board: **Categorize these taxes: sales tax, income tax, property tax, tax on movie tickets, and tax on drivers’ licenses.**

L1 L2 ELL Differentiate Remind students that a *progressive tax* requires people with higher incomes to pay more than those with lower incomes. A *regressive tax* is not based on ability to pay.

Checkpoint
What are the constitutional limits on State taxes?

arbitrary
adj. determined by chance

contrived
adj. planned, designed

exemption
n. something freed from a duty

based on race, religion, nationality, political party membership, or any other factors beyond what is reasonable.

Most tax laws do involve some form of classification, however. Thus, a cigarette tax is collected only from those who buy cigarettes, as this is a reasonable classification.

State Limitations Each State’s constitution limits a State’s taxing powers. State constitutions also limit the taxing powers of their local governments, often in great detail.

Most State constitutions create tax **exemptions** for religious and other nonprofit groups. State codes often set maximum rates for levies such as sales taxes or local property taxes. Some States prohibit certain taxes—for example, a general sales tax or a personal income tax.

Since local governments have no independent powers, the only taxes they can impose are those that the State allows them to levy. States have been restrictive in the matter. Even local units with home-rule charters are closely limited as to what and how they can tax.

Principles of Sound Taxation

Any tax, if taken by itself, can be shown to be unfair. If a government’s total revenues were to come from one tax—say, a sales, an income, or a property tax—its tax system would be very unfair. Some people would bear a much greater burden than others, and some would bear little or none. Each tax should thus be defensible as part of a tax system.

In his classic 1776 book *The Wealth of Nations*, Scottish economist Adam Smith laid out four principles of a sound tax system, which tax experts still cite today:

PRIMARY SOURCE

1. The subjects of every state ought to contribute towards the support of the government as nearly as possible, in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state.

2. The tax which each individual is bound to pay ought to be certain, and not arbitrary.

3. Every tax ought to be levied at the time, or in the manner, in which it is most likely to be convenient for the contributor to pay it.

4. Every tax ought to be so contrived as to both take out and to keep out of the pockets of the people as little as possible over and above what it brings into the public treasury. . . .

—*The Wealth of Nations*

Shaping a tax system that meets those standards of equality, certainty, convenience, and economy is just about impossible. Still, that goal should be pursued.

Sources of Revenue

Beyond the limits noted, a State can levy taxes as it chooses. The legislature decides what taxes the State will impose, and at what rates. It decides, too, what taxes localities can levy.⁸

The Sales Tax The sales tax is the most productive source of State income today. It accounts for about one third of all tax monies the several States now collect.

A **sales tax** is a tax placed on the sale of various commodities; the purchaser pays it. It may be either *general* or *selective* in form. A general sales tax is one applied to the sale of most commodities. A selective sales tax is one placed on the sale of only certain commodities.

In 1932, Mississippi became the first State to levy a sales tax. Today, 45 States do so.⁹ The rates range from 2.9 percent in Colorado to as much as 7.25 percent in California; most States now peg the rate at 5 or 6 percent. Some things are exempted from the tax almost everywhere—most commonly, food, medicine, and newspapers. A growing number of

⁸ Some State constitutions do grant certain taxing powers directly to some local governments, but this is not common practice.

⁹ Only Alaska, Delaware, Montana, New Hampshire, and Oregon do not levy general sales taxes, but each does impose various selective sales taxes.

Differentiated Resources

The following resources are located in the All-in-One, Unit 7, Chapter 25, Section 4:

- L3** Reading Comprehension Worksheet (p. 105)
- L2** Reading Comprehension Worksheet (p. 107)
- L3** Core Worksheet (p. 109)
- L3 L4** Extend Worksheet (p. 112)
- L3** Quiz A (p. 115)
- L2** Quiz B (p. 116)
- L3** Chapter Test A (p. 117)
- L2** Chapter Test B (p. 120)

Answers

Checkpoint States may not tax interstate or foreign trade, tax the Federal Government or any of its agencies or functions, impose unfair or unreasonably heavy taxes, impose taxes for purposes other than public purposes, or make unreasonable classifications for tax purposes.

cities, and some urban counties, also levy sales taxes today—a “piggy-back tax,” added on to and collected with the State tax.

All 50 States impose a selective sales tax on gasoline, alcoholic beverages, cigarettes, and insurance policies. Many of them also place selective sales taxes on such things as hotel and motel accommodations, restaurant meals, and theater and other amusement admissions.

Sales taxes are widely used for two major reasons: They are easy to collect, and they are dependable revenue producers. Yet a sales tax is a **regressive tax**—that is, it is not levied according to a person’s ability to pay. The tax falls most heavily on those least able to pay it.

States are prohibited from collecting the sales taxes on most Internet purchases. That is because products made in one State are sold online to customers across the country. As more and more people shop via the Internet, the States complain that the drain on their sales tax receipts could very well lead

to a reduction of public services and/or an increase in their sales tax and other tax rates. Congress, acting under its commerce power, put a temporary **moratorium** on State taxation of e-commerce in 1998 and renewed it most recently in 2007.

The Income Tax The **income tax**, which is levied on the income of individuals and/or corporations, yields another one third of State tax revenues today. Wisconsin enacted the first State income tax in 1911. Today, 43 States levy an individual income tax; 46 have some form of corporate income tax.¹⁰

The individual income tax is usually a **progressive tax**—that is, the higher your income, the more tax you pay. Income tax rates vary among the States, from 1 or 2 percent on lower incomes in most States to 9

¹⁰ Nevada, Texas, Washington, and Wyoming levy neither type of income tax. Alaska, Florida, and South Dakota impose only the corporate tax.

Checkpoint
What are the benefits and drawbacks of the sales tax?

moratorium
n. freeze, suspension

Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

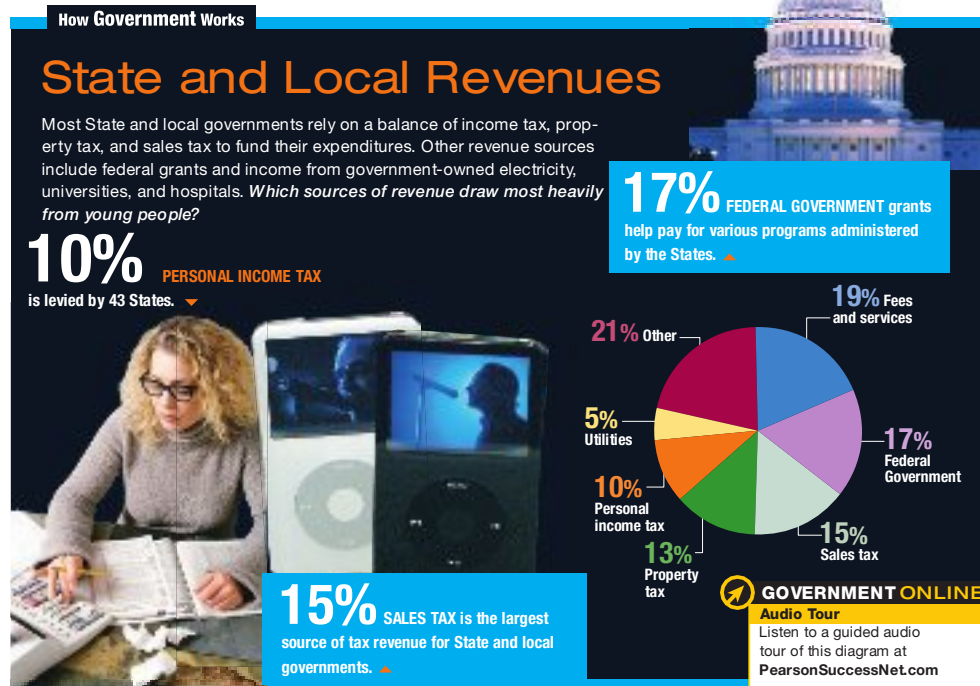
REVIEW THE TWO TYPES OF TAXES

Ask students to share their lists from the Bellringer activity and record their responses on the board in the two-column chart. (*regressive: sales tax, property tax, tax on movie tickets, tax on drivers’ licenses; progressive: income tax*) Discuss why States levy different kinds of taxes. (*Any individual tax places a larger burden on some people than on others. A variety of taxes spreads the burden, making the tax system as a whole more fair.*) Ask: **Do you think progressive or regressive taxes are fairest? What are the benefits and drawbacks of each type?** (*Some students may feel that progressive taxes are fairer because they are based on ability to pay, while others may feel that regressive taxes are fair because they affect only those who use the taxed items.*)

DISCUSS STATE AND LOCAL REVENUE SOURCES

Point out that State and local governments do not rely solely on taxes for revenue. Display Transparency 25G, State and Local Revenue, and discuss the data. Ask: **Which sources produced the most and the least revenue for State and local governments?** (*most: Charges and Misc.; least: Utilities*) **About how much did the Federal Government provide to State and local governments?** (*about \$438 billion*) Tell students to raise their hands when you name each revenue source if they have ever contributed to that source directly. If your State has a sales tax, most students will have paid that. Some students with jobs may also pay a State income tax, and they may have paid fees for the use of parks. Ask students if they feel that the taxes they pay are fair and ask them to explain their opinions.

Tell students to go to the Interactivity to explore how different States raise money.



Chapter 25 • Section 4 763

Background

REGRESSIVE TAX A regressive tax takes a larger percentage of income from low-income people than from high-income people. For example, suppose Jay pays a \$1 sales tax when he buys a DVD. His income is \$100. This tax represents 1% of Jay’s income (\$1/\$100). Now suppose Keisha, whose income is \$1,000, buys the same DVD and pays \$1 tax. The tax represents 0.1% of her income (\$1/\$1,000). This regressive tax puts a heavier burden on Jay, because it takes a larger percentage of his income than it does of Keisha’s. Property taxes are typically regressive as well. While people with higher incomes tend to have more expensive homes and therefore pay more property tax, the tax is not based on income. Suppose two people in the same locality own homes valued at \$200,000. The property tax rate is \$10 per \$1,000 assessed value. Both will pay \$2,000 (\$10 × 200), regardless of their income.

Answers

Checkpoint benefits: easy to collect, dependable source of revenue; drawbacks: regressive, difficult to apply to Internet sales

State and Local Revenues sales tax and personal income tax if the young person has a job

INTRODUCE THE ACTIVITY

Distribute the Chapter 25 Section 4 Core Worksheet (Unit 7 All-in-One, p. 109). Refer students to Adam Smith’s four criteria on the worksheet or in the textbook. Tell students that they will work in pairs to evaluate different State and local taxes based on these criteria.

L1 L2 ELL Differentiate Before beginning this portion of the lesson, have students read aloud each criterion and then restate it in their own words.

Name _____ Class _____ Date _____

CHAPTER
25
Section 4

CORE WORKSHEET

Financing State and Local Government 3

“Good” Taxes

Rate each tax described below based on Adam Smith’s four criteria for a good tax. For example, circle 1 if the tax does not meet the criterion at all; circle 5 if it meets the criterion perfectly.

Four Criteria for a Good Tax	
1. Equality: Taxes should be based on income, or ability to pay.	
2. Certainty: The amount owed should be clear and understandable, and not imposed arbitrarily.	
3. Convenience: Taxes should be levied at times and in ways that make it convenient for people to pay.	
4. Economy: Taxes should be reasonable; they should not exceed what is needed to run the government.	

1. a 5 percent State tax on all meals served in restaurants, but not on fast food or take out

• Equality 1—2—3—4—5

• Certainty 1—2—3—4—5

• Convenience 1—2—3—4—5

• Economy 1—2—3—4—5

2. a 6 percent tax on estates worth over \$500,000, even though the deceased people had already paid income tax on the money when they earned it

• Equality 1—2—3—4—5

• Certainty 1—2—3—4—5

• Convenience 1—2—3—4—5

• Economy 1—2—3—4—5

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Checkpoint
What is a progressive tax?

beneficiary
n. one who benefits

graduated
adj. scaled

enterprise
n. initiative, drive, determination

percent or more on the highest incomes in a few States. Those who pay the tax receive various exemptions and deductions in calculating their taxable income.

Corporate income tax rates are usually a uniform (fixed) percentage of income. Only a few States set the rates on a **graduated** basis.

The progressive income tax is held by many to be the fairest—or the least unfair—form of taxation, because it can be geared to a person’s ability to pay. If the rates are too high, however, the tax can discourage individual **enterprise**.

The Property Tax Property taxes have been a major source of governmental revenue since the early colonial period. Once the major source of State revenue, they are now levied almost exclusively at the local level. They provide roughly three fourths of all local governmental income today.

A **property tax** is a levy on (1) real property, such as land, buildings, and improvements that go with the property if sold; or (2) personal property, either tangible or intangible. Tangible personal property is movable wealth that is visible and the value of which can be easily assessed—for example, computers, cars, and books. Intangible personal property includes such things as stocks, bonds, mortgages, and bank accounts.

The process of determining the value of the property to be taxed is known as **assessment**. An elected county, township, or city assessor usually carries out the task.

Supporters of the property tax argue that, because government protects property and often enhances its value, property owners can logically be required to contribute to the support of government. They note that the rate at which the tax is levied can be readily adjusted to meet governmental needs.

Critics insist that the property tax is not progressive, not geared to one’s ability to pay. They also argue that it is all but impossible to set the value of all property on a fair and equal basis. They also note that personal property is easily hidden from assessors.

Inheritance or Estate Taxes Every State has some form of inheritance or estate tax, sometimes called the “death tax.” An

inheritance tax is levied on the **beneficiary’s** (heir’s) share of an estate. An **estate tax** is one levied directly on the full estate itself.

Business Taxes A variety of business taxes, in addition to the corporate income tax, are important sources of revenue in most States. More than half the States impose severance taxes, levies on the removal of natural resources such as timber, oil, minerals, and fish from the land or water.

Every State has various license taxes that permit people to engage in certain businesses, occupations, or activities. For example, all States require that corporations be licensed to do business in the State. Certain kinds of businesses—chain stores, amusement parks, taverns, and transportation lines—must have an additional operating license. Most States also require the licensing of doctors, lawyers, hairdressers, plumbers, electricians, insurance agents, and a host of others.

Many States have levies known as documentary and stock transfer taxes. These are charges made on the recording, registering, and transfer (sale) of such documents as mortgages, deeds, and securities. Some States also impose capital stock taxes, which are levied on the total assessed value of the shares of stock issued by a business.

Other Taxes A variety of other taxes are imposed by the States and their local governments in order to raise revenues. As a leading example, payroll taxes produce huge sums; the monies generated by those taxes are held in trust funds to pay the benefits provided by unemployment assistance, accident insurance, and retirement programs. Most States levy amusement taxes for admission to theaters, sports events, circuses, and the like. Every State imposes license taxes for various nonbusiness purposes—notably, on motor vehicles and drivers, and for such things as hunting, fishing, and marriage.

Nontax Sources Taxes have never been very popular, and so State and local officials have long looked for nontax revenue sources. Today, the States and their many local governments take in more than a trillion dollars a year from these sources. Much

Background

VALUING PROPERTY FOR TAXES Outdated property taxes drove Nassau County, New York, into bankruptcy in 2000. The county valued each house according to the cost of building that house—in 1938, when a movie ticket cost 20 cents and a nickel bought a hotdog. Another problem was that a house in a desirable town could sell for twice or three times as much as a house in a distressed town, but both owners paid property taxes at the same rate. As long as some voters benefited from the system, the county refused to update assessments, which led to bankruptcy. Nassau County has since gone through a reassessment that brought property taxes in line with current market values.

Answers

Checkpoint a tax levied based on the income of individuals and sometimes on corporations



Property taxes may be charged on real estate, such as houses (left), and on personal property, which includes cars (right). **Why do you think real estate is easier for governments to value and tax than purchases or income?**

of that huge amount comes as grants from the Federal Government.

Business enterprises and user fees. State and local governments also make money from a variety of publicly operated business enterprises. Toll roads and bridges are especially popular in the East. Several States, notably Washington, are in the ferry business. North Dakota markets a baking flour, sold under the brand name “Dakota Maid,” and is also in the commercial banking business. Eighteen States are in the liquor business, selling alcohol in State-operated stores.¹¹

Many cities own and operate their water, electric power, and bus transportation systems. Some cities operate farmers’ markets; rent space in their office buildings, warehouses, and housing projects; and operate dams and wharves. Receipts from such businesses support the local governments that own them. Other nontax sources include court fines, sales and lease of public lands, and interest from loans, investments, and late tax payments. Among the many public services for which those who use them must now pay a fee are hospitals, airports, parks, water, sewers, and garbage disposal.

Lotteries. For many years, nearly all forms of gambling were outlawed in every State

except Nevada. Most States have relaxed their anti-gambling laws, hoping to attract dollars, jobs, and tourists. Today, only Hawaii and Utah do not permit any kind of gambling.

State-run lotteries net some \$17 billion per year for 42 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.¹² Lotteries provide revenue without raising taxes. Supporters note that they are popular, voluntary, and offer an alternative to illegal gambling. Opponents say that lotteries prey on the poor and encourage compulsive gambling. Lottery proceeds are used for a number of purposes among the States. About half of States with lotteries **earmark** all or most of their revenue for education. Some channel the money directly to the State’s general fund, while others dedicate most of it to economic development.

earmark
v. set aside for a
specific purpose

Borrowing The States and many of their local governments regularly borrow money to pay for such large undertakings as the construction of schools, highways, hospitals, sports facilities, and college dormitories. Much of that borrowing is done by issuing bonds, much as the Federal Government does. Generally, State and local bonds are fairly easy to market because the interest paid on them is not subject to State or federal income taxes.

¹¹ Those states are Alabama, Idaho, Iowa, Maine, Michigan, Mississippi, Montana, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming. North Carolina’s stores are operated by the counties; Wyoming’s liquor monopoly operates only at the wholesale level.

¹² Eight States do not operate lotteries: Alabama, Alaska, Arkansas, Hawaii, Mississippi, Nevada, Utah, and Wyoming.

FOLLOW UP THE ACTIVITY

Discuss students’ evaluations of the taxes. Ask students to raise their hands for “best” or “worst” as you name each tax on the worksheet, and record the vote on the board. Is there a general agreement on these designations? If so, have volunteers explain why they selected the tax they did for the best and worst. If there was no consensus, discuss with students why there is so much difference of opinion among the class on what is a good tax. Ask students to explain what so many differences of opinion in your classroom might indicate about the difficulties of establishing tax policies in the larger world.

L3 Differentiate Tell students that some people believe that there should be few or no federal taxes—only State or only local taxes. Have students write a journal entry that uses what they have learned about State and local taxes to address the Chapter Essential Question: How local should government be? Students should explore whether they think federal taxes are “fair,” if people in one State pay for services or expenditures in another State.

Government
online

All print resources are available
on the Teacher’s Resource Library
CD-ROM and online at PearsonSuccessNet.com.

EXTEND THE LESSON

L3 L4 Differentiate Have students read “Estates of Pain” in the Extend Worksheet (Unit 7 All-in-One, p. 112) and answer the questions.

L3 Differentiate Have students do research to identify a State with a tax initiative on the ballot in 2008. Have them summarize the purpose of the initiative and provide the results of the vote.

L1 L2 Differentiate Ask students to create a concept web to show the various sources of State and local revenue, including the different types of taxes, borrowing, and other means of generating income.

L4 Differentiate Separate students into groups of three or four. Have them research to find State and community government resources that provide information about specific revenue sources. Ask each group to create circle graphs illustrating (1) the sources of your State’s revenues and (2) how those revenues are distributed to and spent in your community. Tell students to include a summary explaining each graph.

Answers

Caption Real estate transactions are public, recorded, and visible, and therefore easier to access.

Political Cartoon Mini-Lesson

Display Transparency 25H, The Shortfall, when you discuss State budgets. This cartoon depicts a budget crisis. Ask: **Whom do the people represent?** (*the citizens of the State*) **What are they doing?** (*waiting to be fed*) **How does the cartoonist depict revenues?** (*as the promise of food to feed the citizens*) **What problem does the State have?** (*Its revenues are much smaller than its overall budget and insufficient to support the citizens of the State.*) **How does the dining scene contribute to the meaning of the cartoon?** (*The dining scene makes the point that revenues are a necessity of life for the State—like food.*)

Assess and Remediate

L3 Collect the Core Worksheets and assess the students' work.

L3 Assign the Section 4 Assessment questions.

L3 Section Quiz A (Unit 7 All-in-One, p. 115)

L2 Section Quiz B (Unit 7 All-in-One, p. 116)

Have students complete the review activities in the digital lesson presentation and continue their work in the Essential Questions Journal.

REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
State revenues (Questions 1, 5)	Display Transparency 25G. Review with students each bar on the graph and check understanding by asking them to make one true statement about the graph.
Progressive and regressive taxes (Question 2)	Tell students to make a Venn diagram to compare and contrast features of progressive and regressive taxes, including examples of each.
Limits on State taxes (Question 3)	Have students work with a partner to make an outline of the text under the heading "Limits on Raising Revenue."
Adam Smith's four principles of sound taxation (Question 4)	Have students rewrite each of Smith's principles in their own words in their notebooks.

Answers

Checkpoint to pay for large undertakings, such as the construction of schools, highways, hospitals, and sports facilities

Assessment Answers

- 1. State governments raise money through a variety of taxes, such as sales, income, property, inheritance, estate, and various business taxes. Nontax sources include Federal Government grants, court fines, sales and lease of public lands, interest, and lotteries. States borrow funds by issuing bonds.
- 2. Income taxes are progressive because they are levied according to a person's ability to pay. The higher the income, the more tax is paid.
- 3. States cannot tax interstate or foreign trade, or tax the Federal Government or any of its

- agencies or functions. Taxes must be fair, not so heavy as to confiscate property, and imposed only for public purposes. States may not make unreasonable classifications for tax purposes.
- 4. (a) (1) Citizens should contribute to government revenues in proportion to their income. (2) The tax amount should be clear. (3) Paying taxes should be convenient. (4) The tax amount should not exceed what is necessary to run the government. (b) People are more likely to accept taxes that are fair, clear, convenient, and not excessive.

- 5. (a) Lotteries raise money without raising taxes, but people who participate are often those least able to afford to do so. (b) State-run businesses raise money without raising taxes, but government monopolies on certain businesses can lead to higher prices. (c) Property taxes can be fair because the people with the most highly valued property pay the most taxes. However, high property taxes can make home ownership unaffordable.
- QUICK WRITE Students should write a summation that concludes their response to the question.

Checkpoint
How and why do State
and local governments
borrow money?

At various times in the past, many State and local governments defaulted on their debts. Thus, most State constitutions now place quite detailed limits on the power to borrow. Altogether, the 50 States' debts now total about \$900 billion, and local governments owe more than a trillion dollars.

default
v. fail to pay

State Budgets

A public budget is much more than book-keeping entries and dollar signs. It is a financial plan, a plan for the control and use of public money, public personnel, and public property. It is also a political document, a highly significant statement of public policy. Here, in its budget, the State establishes its priorities and decides who gets what, and who doesn't.

For more than 150 years, State budgets were the product of haphazard and uncoordinated steps centered in the legislature. Various State agencies appeared before legislative committees, each seeking its own funding, often in fierce competition with one another. Their chances of success depended far less on need or merit than on whatever political muscle they could bring to bear. When the legislature adjourned, no one had any real idea of how much had been appropriated or for what. Inevitably, extravagance and waste, unresolved problems, debt, favoritism, and graft were all parts of the process.

State budgets are strikingly different things today. They remain highly charged

political documents, but they are the end products of what is, by and large, an orderly and systematic process.

All but three States have now adopted the executive budget, which gives the governor two vital powers: (1) to prepare the State's budget, and, after the legislature has acted upon his or her recommendations, (2) to manage the spending of the monies set aside by the legislature.¹³ The basic steps in the budget process are much the same at the State, local, and federal levels:

- 1. Each agency prepares estimates of its needs and proposed expenditures in the upcoming fiscal period.
- 2. Those estimates are reviewed by an executive budget agency.
- 3. Revised estimates, with supporting information, are brought together in a consolidated financial plan, the budget, which the governor presents to the legislature for its consideration.
- 4. The legislature reacts to the proposed budget, part by part, appropriates the funds it deems necessary, and enacts whatever revenue measures may be needed.
- 5. The governor supervises the execution of the budget—the actual spending of the funds provided by the legislature.
- 6. The execution of the budget is subject to an independent check—a postaudit.

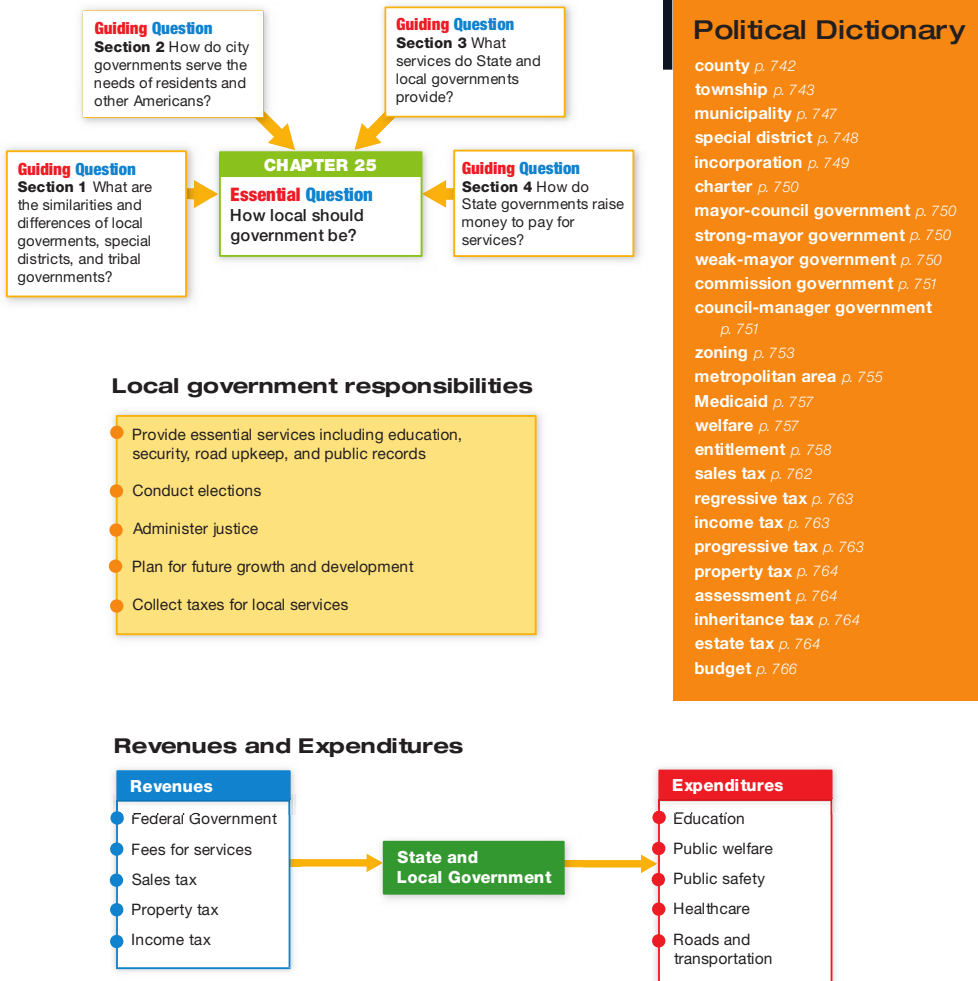
¹³ In Mississippi, South Carolina, and Texas, budget making is shared by the governor and the legislature.

SECTION 4 ASSESSMENT

Essential Questions
Journal
To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

- 1. Guiding Question Use your completed chart to answer this question: How do State governments raise money to pay for services?
- Key Terms and Comprehension
- 2. Explain why income taxes are generally described as progressive taxes.
- 3. What limits does the U.S. Constitution put on the States' ability to tax?
- Critical Thinking
- 4. Determining Relevance (a) What are Adam Smith's four principles of sound taxation? (b) What do you think makes each principle important?
- 5. Identifying Alternatives What might be the advantages and disadvantages of raising revenue through (a) A State-run lottery? (b) A State-run business? (c) A State-wide property tax?

Quick Write
Writing for Assessment: Write a Summation Assessment essays often end with a summation. The summation should restate, briefly, your main points and echo the opening statement. Write a summation for the question you chose in Section 1. Check your summation against your main points to be sure that all are closely related.



Have students download the digital resources available at Government on the Go for review and remediation.

STUDY TIPS

Learning Styles Explain that figuring out their particular way of absorbing information can go a long way toward helping students study more effectively. The simplest and most useful grouping of learning styles divides people into visual, auditory, and kinesthetic/tactile learners. Have students consider the following questions to help them recognize their preferred learning style: Do they remember information best when they read it, hear it, or take notes about it? When learning new vocabulary, do they tend to visualize the word, sound out the word, or write the word down? Are they likely to forget names but remember faces? Remember names but forget faces? Remember what they were doing or where they were when meeting someone new? These examples illustrate visual, auditory, and kinesthetic learners, in that order. Visual learners need quiet study time and learn well using outlines. Auditory learners do well with group discussions and audiotapes. Kinesthetic learners benefit from short study sessions and role playing.

ASSESSMENT AT A GLANCE

Tests and Quizzes

Section Assessments
Section Quizzes A and B, Unit 7 **All-in-One**
Chapter Assessment
Chapter Tests A and B, Unit 7 **All-in-One**
Document-Based Assessment
Progress Monitoring Online
ExamView Test Bank

Performance Assessment

Essential Questions Journal
Presentation of Small-Group Plans, p. 752
Assessment Rubrics, **All-in-One**

For More Information

To learn more about local governments, refer to these sources or assign them to students:

L1 Silate, Jennifer. *Your Mayor: Local Government in Action*. The Rosen Publishing Group, Inc., 2004.

L2 Snedden, Robert. *Growth of Cities (Earth's Changing Landscape)*. Franklin Watts Ltd, 2007.

L3 Duany, Andres, Elizabeth Plater-Zyberk, and Jeff Speck. *Suburban Nation: The Rise of Sprawl and the Decline of the American Dream*. North Point Press, 2001.

L4 Morgan, David R., Robert E. England, and John P. Pelissero. *Managing Urban America*. CQ Press, 2006.

Chapter Assessment

COMPREHENSION AND CRITICAL THINKING

SECTION 1

1. (a) A county is a unit of local government that consists of several towns or townships. Counties, unlike towns or townships, tend to have larger groups of administrators, with no chief administrator. Towns are smaller units. In New England they are the major form of local government, and are governed by a board of select persons and through town meetings. Townships are the major form of local government in New York, New Jersey, and in the Midwestern States. They are also generally administered by an elected board. (b) Like the Federal Government, recognized tribal governments are sovereign and may operate like small nations outside of the control of Federal and State governments. Unlike the Federal Government, tribes require federal recognition for sovereign status. (c) Like State governments, tribal governments are subordinate to the Federal Government in some ways. Tribal governments use federal funds and tax revenues to provide services. Also, they are responsible for geographic units within the U.S. However, tribal governments have more autonomy than do State governments.
2. (a) to include all the town's eligible voters in decisions that affect the town (b) One benefit is that town meetings are a form of direct democracy, where all voters have a say in how the town is run. It is a very fair and open form of government. A drawback is that as populations grow and problems become more complex, it can be difficult to make decisions in such a wide-open forum with so many people involved. (c) Possible responses: Yes. Our community is small enough that direct citizen participation is practical. OR: No. Our city is too large for all citizens to meet at once. Also, the problems are too complex for many people to solve efficiently.

SECTION 2

3. (a) City governments provide police and fire protection, sewer and water, sanitation, public health, planning, and zoning. They maintain schools, libraries, roads, bridges, and parks. (b) City leaders deal with issues that come with large populations that might not occur in more rural or suburban areas. These include issues of higher crime, traffic management, public

25

Chapter Assessment

GOVERNMENT ONLINE
Self-Test
To test your understanding of key terms and main ideas, visit
PearsonSuccessNet.com

Comprehension and Critical Thinking

Section 1

1. (a) How do counties differ from towns or townships? (b) What similarities and differences are there between the Federal Government and a tribal government? (c) What similarities and differences are there between tribal and State governments?
2. (a) What is the purpose of a New England town meeting? (b) What are its benefits and limitations? (c) Would it be a good form of government for your community? Why or why not?

Section 2

3. Think about large cities as opposed to less populous communities. (a) What types of services do city governments provide? (b) What types of special issues or problems do city leaders deal with?
4. Voters in a few cities have rejected zoning with noticeable results. (a) What do you think those results are? (b) How might a lack of zoning affect your quality of life?

Section 3

5. (a) What powers are delegated to the States that are denied to the federal government? (b) Does this division of powers make public services less efficient or more efficient, in your opinion?
6. (a) In what ways do States try to ensure the public safety of their citizens? (b) What challenges do States face in ensuring public safety?

Section 4

7. Some States are turning increasingly to nontax revenue sources. (a) Why do you think States prefer nontax revenues to taxes? (b) Some people are critical of using a lottery as a method for raising State revenue. Why do you think this is the case? Do you agree or disagree?

8. **Analyzing Political Cartoons** Study the cartoon below about a man making a purchase over the Internet with his personal digital assistant. (a) Why must he pay a sales tax? (b) What does this cartoon imply about the sales tax as a State, not federal, source of revenue?



Writing About Government

9. Use your Quick Write exercises from the section assessments in this chapter to write a three-paragraph essay that answers your question about local government and finance. The question should be answered in at least three paragraphs—one for each of your main points—including a strong opening statement and a clear summation. Make sure that your essay is concise, correctly spelled, and demonstrates an understanding of correct grammar. See pp. S11–S12 of the Skills Handbook.

Apply What You've Learned

10. **Essential Question Activity** Research your local community or county government structure and budget. Answer the following questions:
 - (a) What positions in local government are elected and what positions are appointed?
 - (b) What are the most costly programs in the local government budget?
 - (c) Which officials have the greatest authority over the budget?
 - (d) What responsibilities does the State require of local government?

11. **Essential Question Assessment** Use the results of your research to prepare an election brochure that helps you answer the Essential Question: **How local should government be?** Create a brochure for a fictional candidate for local office explaining the responsibilities of the office and including specific promises to the voters, a description of the goals of local government, and how the candidate hopes to work with State government and appointed local officials.

Essential Questions Journal To respond to the chapter Essential Question, go to your **Essential Questions Journal**.

transportation, over-crowding and housing, pollution, and disease prevention.

4. (a) various kinds of homes and businesses in the same areas; lack of open space (b) Unplanned growth could create parking problems, traffic congestion, and lack of green space for residents to enjoy.

SECTION 3

5. (a) all powers not expressly delegated to the National Government in the Constitution (b) Possible response: More efficient. The United States is too large and diverse for one huge government to provide all

services. Local governments understand the needs of their communities and can focus their funds on the services their citizens need most.

6. (a) State police and law-enforcement services; State corrections systems (b) booming prison populations and insufficient funds

SECTION 4

7. (a) possible answer: because tax increases tend to be unpopular, and officials who propose them risk losing the next election (b) Possible response: Some people are against lotteries on moral grounds,

Document-Based Assessment

CHAPTER 25

State Safety Laws and the Police Power

According to the Federal Constitution, the police power is reserved to the States. However, how the States apply this authority to oversee public health and safety. In particular, as these documents show, many question how far a State can go in legislating citizens' personal safety before it begins to intrude on personal privacy and choice.

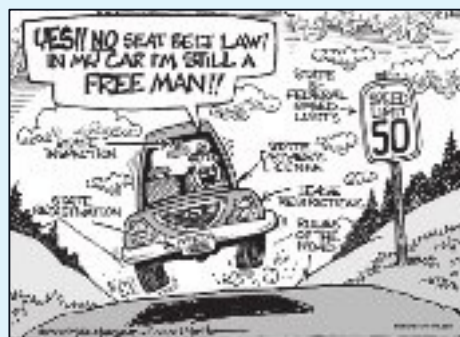
Document 1

In 1987, Iowan John Hartog received a ticket for not wearing his seat belt. Hartog argued that Iowa's seat-belt law was unconstitutional because it violated rights to privacy and equal protection and went beyond the State's authorized police power. The following excerpt from the case transcript supports the court's finding that the seat-belt law was not unconstitutional.

“The government provides roads as a service to its citizens, and part of that service is assuring that these roads will be safe and efficient. The motorist is not being overly imposed upon when asked to comply with minimal standards of behavior designed to reduce the dangers of his driving to other drivers. It is also difficult to object to the State's attempt to stop an individual from making the rest of society pay for the consequences of his risk-taking. . . . our government provides services from the ambulance that delivers the injured motorist to the hospital to disability insurance. Having to buckle up may be inconvenient, but it is not an unreasonable price to pay for the use of public roads.

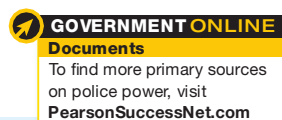
—from *State of Iowa v. John Hartog*, 1989

Document 2



Use your knowledge of the police power and Documents 1 and 2 to answer Questions 1–3.

1. What is the main point of Document 1?
 - A. Seat-belt laws are unconstitutional because they interfere with the right to privacy and equal protection.
 - B. Seat-belt laws are inconvenient and the State has no right to impose safety laws on individuals.
 - C. Seat-belt laws are reasonable because the government bears costs incurred by injured people who were not wearing belts.
 - D. Seat-belt laws are necessary to prevent accidents on public roads and to promote public safety.
2. What ideas about State regulations does Document 2 express?
3. **Pull It Together** Do you think that seat-belt laws and other public safety laws are a reasonable use of a State's police power? Do they intrude on individual rights? Why or why not?




DOCUMENT-BASED ASSESSMENT

1. C
2. The cartoon implies that with no seat belt law, the driver is at least free of one State regulation under the police power.
3. Some students might say that as long as society must pay the price of a citizen's poor choices, government has a right to legislate public safety. Other students might say that such legislation can go too far and must be assessed on a case-by-case basis. Too much government control can turn our society into a police state.

L2 Differentiate Students use all the documents on the page to support their thesis.

L3 Differentiate Students include additional information available online at **PearsonSuccessNet.com**.

L4 Differentiate Students use materials from the textbook, the online information at **PearsonSuccessNet.com**, and do additional research to support their views.

 **Go Online to PearsonSuccessNet.com** for a student rubric and extra documents.

because they believe that gambling is just wrong; others think it is wrong because usually those who play are the people who can least afford to, so it becomes an unfair tax. I do not agree. I think lotteries are great ways for States to raise large sums of money to pay for important services or to lower taxes. People who buy into lotteries do it based on their own free will.

8. (a) The cartoon implies that the man must pay a sales tax if he makes an online purchase. (b) Internet sales cross State lines. If sales taxes were federal, then taxes on Internet sales would be easy to collect.

However, because sales taxes are imposed by States, and they vary from State to State, it is confusing and hard to apply the taxes to Internet sales.

WRITING ABOUT GOVERNMENT

9. Responses should be well-organized, demonstrate attention to grammar, spelling, and style, and address the question students selected and worked to answer throughout the chapter.

APPLY WHAT YOU'VE LEARNED

10. Students should adequately research their

selected government structure and budget in order to answer the questions in the activity.

11. Students' brochures should be detailed enough to cover the responsibilities of the office, should describe the goals of local government, and should realistically explain how their candidates will work with State and local officials.

ANSWERS TO ESSENTIAL QUESTION WARMUP

Before assigning these questions, distribute the Rubric for Assessing a Writing Assignment (Unit 7 All-in-One, p. 128). Use the criteria and the guidelines below to grade students' answers to the Essential Question Warmup questions. Then send students to the **Essential Questions Journal** to answer the unit Essential Question.

1. Students should present a list of issues that reflect the current division of responsibilities for services among the three levels. A strong answer will provide reasons why each level of government is best suited to handle certain responsibilities.
2. A strong answer will recognize that revenues and responsibilities are shared among different levels of government so they must work together to provide efficient taxation and services and prevent conflicts between governments.
3. Students should state a position on whether one level of government is more responsive than others and support that position with facts and examples.
4. To answer this question successfully, students should explain several advantages and disadvantages of centralizing power. The explanations should demonstrate that students understand the challenges of balancing local, State, and federal governments.

Perspectives

Essential Question

What is the right balance of local, State, and federal government?

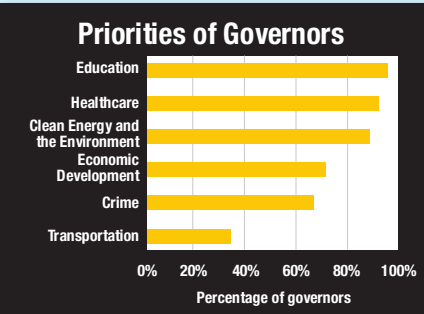
The U.S. federal system divides power among multiple levels of government. Elected officials at each level have sought more power and authority for their governments—or to spread responsibilities to others.

ON THE ROLE OF THE FEDERAL GOVERNMENT:

It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people. All of us need to be reminded that the Federal Government did not create the States; the States created the Federal Government.

—Ronald Reagan, First Inaugural Speech, 1981

ON THE KEY ISSUES FACING THE STATES:



Each year, the National Association of Governors tracks the governors' State of the State addresses and identifies the subjects mentioned by the most governors.

ON THE VALUE OF MAYORS:

As CEOs of the nation's cities, mayors know all too well the challenges American families face daily, so we are in the best position to offer solutions to local problems.

—Mayor Douglas Palmer, Trenton, New Jersey

Essential Question Warmup

Throughout this unit, you studied the roles, responsibilities, and powers of State and local government. Use what you have learned and the quotations, data, and opinions above to answer the following questions. Then go to your **Essential Questions Journal**.

1. Which issues are best handled at the local, State, and federal levels, respectively?
2. How do taxes, spending, and various

programs link different levels of government?

3. Is any level of government more responsive and democratic than others?
4. What are the advantages and disadvantages of centralizing power?

Essential Questions Journal

To continue to build a response to the chapter Essential Question, go to your **Essential Questions Journal**.

Assessment Resources

- Unit 7 AYP Monitoring Assessment
- ExamView Test Bank CD-ROM
- SuccessTracker Assessment
- Online Student Self-Tests
- Chapter Tests
- Section Quizzes
- Chapter-level Document-Based Assessment



Reference

Databank

Statistical Profile of the United States	772
Political Map of the United States	774
Presidents of the United States	776
Political Map of the World	778

Historical Documents

The Code of Hammurabi	780
Magna Carta	781
Mayflower Compact	782
English Bill of Rights	783
Second Treatise on Government	784
Virginia Declaration of Rights	785
Articles of Confederation	786
<i>The Federalist</i> No. 10	791
<i>The Federalist</i> No. 51	794
<i>The Federalist</i> No. 78	797
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The United States: A Statistical Profile

State	Capital	Population (in thousands)					Land Area in Sq. Mi.	Population per Sq. Mi
		Year 2000	% Urban	African American	Hispanic Origin	% Foreign Born		
United States	Washington, D.C.	281,422	80.1	34,862	31,337	7.9	3,536,278	79.6
Alabama	Montgomery	4,447	70.1	1,139	45	1.1	50,750	87.6
Alaska	Juneau	627	41.5	24	25	4.5	570,374	1.1
Arizona	Phoenix	5,131	87.8	176	1,084	7.6	113,642	45.2
Arkansas	Little Rock	2,673	48.6	411	54	1.1	52,075	51.3
California	Sacramento	33,872	96.7	2,487	10,460	21.7	155,973	217.2
Colorado	Denver	4,301	84.0	176	604	4.3	103,729	41.5
Connecticut	Hartford	3,406	95.6	309	279	8.5	4,845	703.0
Delaware	Dover	784	81.6	149	28	3.3	1,955	401.0
Florida	Tallahassee	15,982	93.0	2,333	2,334	12.9	53,937	296.3
Georgia	Atlanta	8,186	68.9	2,236	240	2.7	57,919	141.3
Hawaii	Honolulu	1,212	73.1	34	95	14.7	6,423	188.7
Idaho	Boise	1,294	38.3	8	93	2.9	82,751	15.6
Illinois	Springfield	12,419	84.5	1,854	1,276	8.3	55,593	223.4
Indiana	Indianapolis	6,080	71.7	498	154	1.7	35,870	169.5
Iowa	Des Moines	2,926	44.6	58	62	1.6	55,875	52.4
Kansas	Topeka	2,688	56.4	157	148	2.5	81,823	32.9
Kentucky	Frankfort	4,042	48.3	288	35	0.9	39,732	101.7
Louisiana	Baton Rouge	4,469	75.2	1,415	119	2.1	43,566	102.6
Maine	Augusta	1,275	35.8	6	9	3.0	30,865	41.3
Maryland	Annapolis	5,296	92.7	1,454	199	6.6	9,775	541.8
Massachusetts	Boston	6,349	96.1	405	391	9.5	7,838	810.0
Michigan	Lansing	9,938	82.6	1,415	276	3.8	56,809	174.9
Minnesota	St. Paul	4,919	70.1	149	93	2.6	79,617	61.8
Mississippi	Jackson	2,845	35.9	1,010	24	0.8	46,914	60.6
Missouri	Jefferson City	5,595	68.0	617	91	1.6	68,898	81.2



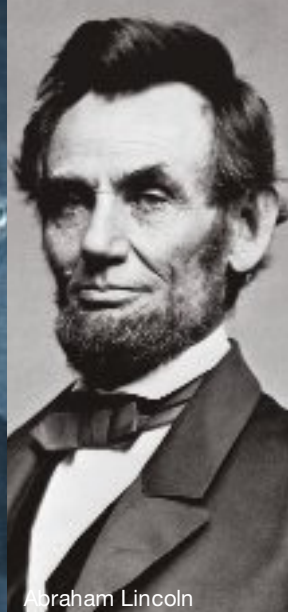
State	Capital	Population (in thousands)					Land Area in Sq. Mi.	Population per Sq. Mi
		Year 2000	% Urban	African American	Hispanic Origin	% Foreign Born		
Montana	Helena	902	33.4	3	16	1.7	145,556	6.2
Nebraska	Lincoln	1,711	51.8	68	77	1.8	76,878	22.3
Nevada	Carson City	1,998	86.1	140	304	8.7	109,806	18.2
New Hampshire	Concord	1,236	60.2	9	20	3.7	8,969	137.8
New Jersey	Trenton	8,414	100.0	1,197	1,027	12.5	7,419	1,134.1
New Mexico	Santa Fe	1,819	57.0	46	708	5.3	121,364	15.0
New York	Albany	18,976	91.9	3,222	2,661	15.9	47,224	401.8
North Carolina	Raleigh	8,049	67.1	1,686	176	1.7	48,718	165.2
North Dakota	Bismarck	642	43.1	4	7	1.5	68,994	9.3
Ohio	Columbus	11,353	81.0	1,304	185	2.4	40,953	277.2
Oklahoma	Oklahoma City	3,451	60.5	262	137	2.1	68,679	50.2
Oregon	Salem	3,421	72.7	62	213	4.9	96,002	35.6
Pennsylvania	Harrisburg	12,281	84.5	1,170	326	3.1	44,820	274.0
Rhode Island	Providence	1,048	93.8	50	69	9.5	1,045	1,002.9
South Carolina	Columbia	4,012	70.0	1,157	54	1.4	30,111	133.2
South Dakota	Pierre	755	34.0	5	9	1.1	75,896	9.9
Tennessee	Nashville	5,689	67.8	913	67	1.2	41,219	138.0
Texas	Austin	20,852	84.5	2,470	6,045	9.0	261,914	79.6
Utah	Salt Lake City	2,233	76.7	19	151	3.4	82,168	27.2
Vermont	Montpelier	609	27.9	3	5	3.1	9,249	65.8
Virginia	Richmond	7,079	78.1	1,385	266	5.0	39,598	178.8
Washington	Olympia	5,894	82.9	204	377	6.6	66,581	88.5
West Virginia	Charleston	1,808	41.9	56	10	0.9	4,087	75.1
Wisconsin	Madison	5,364	67.8	293	140	2.5	54,314	98.8
Wyoming	Cheyenne	494	29.6	4	29	1.7	97,105	5.1
Washington, D.C.		572	100.0	319	38	9.7	61	9,377.0



George Washington



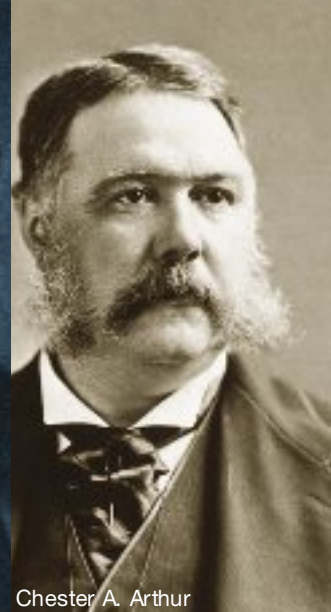
Zachary Taylor



Abraham Lincoln



Ulysses S. Grant



Chester A. Arthur

Presidents of the United States

Name	Party	State ^a	Entered Office	Age On Taking Office	Vice President(s)
George Washington (1732–1799)	Federalist	Virginia	1789	57	John Adams
John Adams (1735–1826)	Federalist	Massachusetts	1797	61	Thomas Jefferson
Thomas Jefferson (1743–1826)	Dem-Rep	Virginia	1801	57	Aaron Burr/George Clinton
James Madison (1751–1836)	Dem-Rep	Virginia	1809	57	George Clinton/Elbridge Gerry
James Monroe (1758–1831)	Dem-Rep	Virginia	1817	58	Daniel D. Tompkins
John Q. Adams (1767–1848)	Dem-Rep	Massachusetts	1825	57	John C. Calhoun
Andrew Jackson (1767–1845)	Democrat	Tennessee (SC)	1829	61	John C. Calhoun/Martin Van Buren
Martin Van Buren (1782–1862)	Democrat	New York	1837	54	Richard M. Johnson
William H. Harrison (1773–1841)	Whig	Ohio (VA)	1841	68	John Tyler
John Tyler (1790–1862)	Democrat	Virginia	1841	51	none
James K. Polk (1795–1849)	Democrat	Tennessee (NC)	1845	49	George M. Dallas
Zachary Taylor (1784–1850)	Whig	Louisiana (VA)	1849	64	Millard Fillmore
Millard Fillmore (1800–1874)	Whig	New York	1850	50	none
Franklin Pierce (1804–1869)	Democrat	New Hampshire	1853	48	William R. King
James Buchanan (1791–1868)	Democrat	Pennsylvania	1857	65	John C. Breckinridge
Abraham Lincoln (1809–1865)	Republican	Illinois (KY)	1861	52	Hannibal Hamlin/Andrew Johnson
Andrew Johnson (1808–1875)	Democrat	Tennessee (NC)	1865	56	none
Ulysses S. Grant (1822–1885)	Republican	Illinois (OH)	1869	46	Schuyler Colfax/Henry Wilson
Rutherford B. Hayes (1822–1893)	Republican	Ohio	1877	54	William A. Wheeler
James A. Garfield (1831–1881)	Republican	Ohio	1881	49	Chester A. Arthur
Chester A. Arthur (1829–1896)	Republican	New York (VT)	1881	51	none
Grover Cleveland (1837–1908)	Democrat	New York (NJ)	1885	47	Thomas A. Hendricks
Benjamin Harrison (1833–1901)	Republican	Indiana (OH)	1889	55	Levi P. Morton
Grover Cleveland (1837–1908)	Democrat	New York (NJ)	1893	55	Adlai E. Stevenson



William Howard Taft

Harry S. Truman

Lyndon B. Johnson

Ronald Reagan

Barack Obama

DATABANK: Presidents of the United States

Name	Party	State ^a	Entered Office	Age On Taking Office	Vice President(s)
William McKinley (1843–1901)	Republican	Ohio	1897	54	Garret A. Hobart/ Theodore Roosevelt
Theodore Roosevelt (1858–1919)	Republican	New York	1901	42	Charles W. Fairbanks
William H. Taft (1857–1930)	Republican	Ohio	1909	51	James S. Sherman
Woodrow Wilson (1856–1924)	Democrat	New Jersey (VA)	1913	56	Thomas R. Marshall
Warren G. Harding (1865–1923)	Republican	Ohio	1921	55	Calvin Coolidge
Calvin Coolidge (1872–1933)	Republican	Massachusetts (VT)	1923	51	Charles G. Dawes
Herbert Hoover (1874–1964)	Republican	California (IA)	1929	54	Charles Curtis
Franklin Roosevelt (1882–1945)	Democrat	New York	1933	51	John N. Garner/ Henry A. Wallace/Harry S. Truman
Harry S. Truman (1884–1972)	Democrat	Missouri	1945	60	Alben W. Barkley
Dwight D. Eisenhower (1890–1969)	Republican	New York (TX)	1953	62	Richard M. Nixon
John F. Kennedy (1917–1963)	Democrat	Massachusetts	1961	43	Lyndon B. Johnson
Lyndon B. Johnson (1908–1973)	Democrat	Texas	1963	55	Hubert H. Humphrey
Richard M. Nixon (1913–1994)	Republican	New York (CA)	1969	56	Spiro T. Agnew ^d /Gerald R. Ford ^e
Gerald R. Ford (1913–)	Republican	Michigan (NE)	1974	61	Nelson A. Rockefeller ^f
James E. Carter (1924–)	Democrat	Georgia	1977	52	Walter F. Mondale
Ronald W. Reagan (1911–2004)	Republican	California (IL)	1981	69	George H. W. Bush
George H. W. Bush (1924–)	Republican	Texas (MA)	1989	64	J. Danforth Quayle
William J. Clinton (1946–)	Democrat	Arkansas	1993	46	Albert Gore, Jr.
George W. Bush (1946–)	Republican	Texas	2001	54	Richard B. Cheney
Barack Obama (1961–)	Democrat	Illinois (Hawaii)	2009	47	Joseph R. Biden

^a State of residence when elected; if born in another State, that State in parentheses.

^b Democratic-Republican

^c Johnson, a War Democrat, was elected Vice-President on the coalition Union Party ticket.

^d Resigned October 10, 1973.

^e Nominated by Nixon, confirmed by Congress on December 6, 1973.

^f Nominated by Ford, confirmed by Congress on December 19, 1974.

Political Map of the United States

DATABANK: Political Map of the United States





DATABANK: Political Map of the United States

Political Map of the World

DATABANK: Political Map of the World





Analyzing Documents

1. crime, unfair business practices, debt, marriage, and punishment
2. The laws were written down and codified to ensure that judgments were consistent throughout the land and that all citizens were aware of the laws and the punishments associated with them.

HISTORICAL DOCUMENTS

The Code of Hammurabi

The Code of Hammurabi, believed to date before 1750 B.C., is a series of laws decreed by Hammurabi, the ruler of Babylon when that ancient city was at the peak of its power. Inscribed on stone columns over seven feet high, the Code consisted of 280 sections. Selected sections are excerpted below:

- If a man practice (robbery) and be captured, that man shall be put to death. . . .
- If a man has come forward in a lawsuit for the witnessing of false things, and has not proved the thing that he said, if that lawsuit is a capital case, that man shall be put to death. If he came forward for witnessing about corn or silver, he shall bear the penalty (which applies to) that case.
- If a man has concealed in his house a lost slave or slave-girl belonging to the Palace or to a subject, and has not brought him (or her) out at the proclamation of the Crier, the owner of the house shall be put to death.
- If a fire has broken out in a man's house, and a man who has gone to extinguish it has cast his eye on the property of the owner of the house and has taken the property of the owner of the house, that man shall be thrown into the fire.
- If a man is subject to a debt bearing interest, and Adad (the Weather-god) has saturated his field or a high flood has carried (its crop) away, or because of lack of water he has not produced corn in that field, in that year he shall not return any corn to (his) creditor. He shall . . . not pay interest for that year.
- If a man has donated field, orchard or house to his favourite heir and has written a sealed document for him (confirming this), after the father has gone to his doom, when the brothers share he (the favorite heir) shall take the gift that his father gave him, and apart from that they shall share equally in the property of the paternal estate.
- If an artisan has taken a child for bringing up, and has taught him his manual skill, (the child) shall not be (re)claimed. If he has not taught him his manual skill, that pupil may return to his father's house.
- If a man aid a male or female slave . . . to escape from the city gates, he shall be put to death. . . .
- If a man be in debt and sell his wife, son, or daughter, or bind them over to service, for three years they shall work in the house of the purchaser or master; in the fourth year they shall be given their freedom. . . .
- If a builder has made a house for a man but has not made his work strong, so that the house he made falls down and causes the death of the owner of the house, that builder shall be put to death. If it causes the death of the son of the owner of the house, they shall kill the son of the builder.
- If a man would put away [divorce] his wife who has not borne him children, he shall give her money to the amount of her marriage settlement and he shall make good to her the dowry which she brought from her father's house and then he may put her away.
- If a son has struck his father, they shall cut off his hand.
- If a man has destroyed the eye of a man of the "gentleman" class, they shall destroy his eye. If he has broken a gentleman's bone, they shall break his bone. If he has destroyed the eye of a commoner or broken a bone of a commoner, he shall pay one mina [about \$300] of silver. If he has destroyed the eye of a gentleman's slave, he shall pay half the slave's price.
- If a gentleman's slave strikes the cheek of a man of the "gentleman" class, they shall cut off (the slave's) ear.
- If a gentleman strikes a gentleman in a free fight and inflicts an injury on him, that man shall swear "I did not strike him deliberately," and he shall pay the surgeon.



Stone pillar with Hammurabi's Code

Analyzing Documents

Use the passage on this page to answer the following questions.

1. With what general topics is the Code concerned?
2. Why do you suppose the laws were written down and codified?

Magna Carta

Signed by England's King John in 1215, the Magna Carta (Great Charter) was the first document to limit the power of England's monarchs. The Magna Carta established the principle that rulers are subject to law—a major step toward constitutional government.

We . . . by this our present Charter have confirmed, for us and our heirs forever—

1. That the English Church shall be free and shall have her whole rights and her liberties inviolable. . . .

9. Neither we nor our bailiffs shall seize any land or rent for any debt while the chattels [possessions] of the debtor are sufficient for the payment of the debt. . . .

12. No scutage [tax] or aid [subsidy] shall be imposed in our kingdom, unless by the common counsel of our kingdom. . . .

14. And also to have the common council of the kingdom to assess and aid, . . . and for the assessing of scutages, we will cause to be summoned the archbishops, bishops, abbots, earls, and great barons, . . . And besides, we will cause to be summoned . . . all those who hold of us in chief, at a certain day . . . and to a certain place; and in all the letters of summons, we will express the cause of the summons; and the summons being thus made, the business shall proceed on the day appointed, according to the counsel of those who shall be present, although all who have been summoned have not come.

39. No free-man shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.

40. To none will we sell, to none will we deny, to none will we delay right or justice.



▲ King John signs the Magna Carta.

41. All merchants shall have safety and security in coming into England, and going out of England, and in staying and in traveling through England . . . to buy and sell, . . . excepting in the time of war, and if they be of a country at war against us. . . .

42. It shall be lawful to any person to go out of our kingdom . . . and to return safely and securely, by land or by water, saving his allegiance to us, unless it be in time of war, for some short space, for the common good of the kingdom. . . .

52. If any have been disseised [deprived] or dispossessed by us, without a legal verdict of their peers, of their lands, castles, liberties, or rights, we will immediately restore these things to them. . . .

63. Wherefore our will is . . . that the men in our kingdom have and hold the aforesaid liberties, rights, and concessions . . . fully and entirely, to them and their heirs, . . . in all things and places forever.

Analyzing Documents

Use the passage on this page to answer the following questions.

1. What basic American right has its origins in Article 39 of the Magna Carta?
2. Which article provides the basis for the Fifth Amendment to the Constitution, which states that no person can “be deprived of life, liberty, or property, without due process of law”?
3. What limits does Article 12 place on the king's power to tax?

Analyzing Documents

1. The basic American right that has its origins in Article 39 of the Magna Carta is found in the 5th Amendment: criminal proceedings, including the right to be tried in court by an impartial jury.
2. Article 52
3. A tax will not be imposed unless decided by the “common counsel” (the people).

Analyzing Documents

- 1. to enact fair and equal laws that would be followed by all the settlers to ensure the settlement's survival
- 2. The document was necessary because it provided the settlers with an agreed-upon governmental authority that they consented to obey; the settlers would not have been able to survive if they had not banded together in an orderly manner.
- 3. Sample answer: Without the compact, it is possible that there would be strife between settlers and discord about who or what had the authority to make laws for the colony, which may eventually have led to the settlement's failure.

HISTORICAL DOCUMENTS

► Mayflower Compact

The *Mayflower* landed in present-day Cape Cod in November, 1620. The document that became known as the Mayflower Compact contained the first written laws for the new land and established a government created by those who were to be governed. It was signed by 41 adult men.

In the name of God, Amen. We, whose names are underwritten, the Loyal Subjects of our dread Sovereign Lord, King James, by the Grace of God, of England, France and Ireland, King, Defender of the Faith, etc. Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country, a voyage to plant the first colony in the northern parts of Virginia; do by these presents, solemnly and mutually in the Presence of God and one of another, covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid; And by Virtue hereof to enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions and Offices, from time to time, as shall be thought most meet and convenient for the General good of the Colony; unto which we promise all due submission and obedience.

In Witness whereof we have hereunto subscribed our names at Cape Cod the eleventh of November, in the Reign of our Sovereign Lord, King James of England, France and Ireland, the eighteenth, and of Scotland the fifty-fourth. Anno Domini, 1620.

Analyzing Documents

- Use the passage on this page to answer the following questions.
- 1. What goals are laid out in this document?
 - 2. Why was this document necessary?
 - 3. What might have happened if the Mayflower Compact had not been written?



▲ Selected signatures on the Mayflower Compact

Signing the Mayflower Compact aboard ship ►



English Bill of Rights

When the Catholic king, James II, was forced from the English throne in 1688, Parliament offered the crown to his Protestant daughter Mary and her husband, William of Orange. Parliament, however, insisted that William and Mary submit to a bill of rights. This document sums up the powers that Parliament had been seeking since the Petition of Right in 1628.

Whereas, the late King James II . . . did endeavor to subvert and exirpate [eliminate] the Protestant religion and the laws and liberties of this kingdom . . . and whereas the said late king James II having abdicated the government, and the throne being vacant . . .

The said Lords [Parliament] . . . being now assembled in a full and free representative [body] of this nation . . . do in the first place . . . declare

- That the pretended [untruthfully claimed] power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal;
- That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal; . . .
- That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;
- That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;
- That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;
- That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;
- That election of members of Parliament ought to be free;
- That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;
- That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;
- That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders [property owners with unconditional rights];



▲ Mary and William

- That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;
- And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.

Analyzing Documents

Use the passage on this page to answer the following questions.

1. Which rights and freedoms listed above do you think are most important? Explain your choices.
2. Review the American Declaration of Independence. What similarities do you see between the two documents?
3. What is the importance of this document for American government?

Analyzing Documents

1. Accept any response that is backed by logical reasoning. Sample answer: I think "That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted . . ." is the most important right because otherwise, judges could hand down unfair or disproportionate punishments based on revenge or their own personal convictions.
2. Similarities include the sovereignty of the people and the importance of representative, freely elected government.
3. The importance of this document is that much of American government and politics today is based on these early English ideas.

Analyzing Documents

1. the freedom to be absolutely in charge of their lives and possessions without answering to anyone
2. With all people living in perfect freedom, an individual's rights and property are at risk for destruction and seizure by others.
3. Governments are formed by the consent of individuals as a community to willingly give up their perfect freedoms and place themselves under a government to preserve their life, liberty, and property.
4. In order to preserve life, liberty, and property, governments require individuals to submit to the power of someone other than themselves; the governed must bear the responsibility of the community as a whole.

HISTORICAL DOCUMENTS

▶ Second Treatise on Government

In 1690, English philosopher John Locke (1632–1704) produced two treatises (essays) on government. In his second treatise, he discussed the responsibilities of a government and claimed that the people have the right to overthrow an unjust government. Locke's ideas greatly influenced Thomas Jefferson and other supporters of the American Revolution. In this selection, Locke explains why people form governments.

To understand political power aright . . . we must consider what estate all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or depending upon the will of any other man. . . .

Men being . . . by nature, all free, equal and independent, no one can be put out of this estate and subjected to the political power of another without his own consent, which is done by agreeing with other men, to join and unite into a community for their comfortable, safe and peaceable living, one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it. . . .

When any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the majority. . . . And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one in that society to submit to the determination of the majority, and to be concluded by it. . . .

If man in the state of nature . . . be absolute lord of his own person and possessions, equal to the greatest and



▲ John Locke

subject to nobody, why will he part with his freedom, this empire, and subject himself to the dominion and control of any other power? . . . It is obvious to answer that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others; for all being kings as much as he, every man his equal, . . . the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to quit this condition which, however free, is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others . . . for the mutual

preservation of their lives, liberties and estates, which I call by the general name—property.

The great and chief end, therefore, of men uniting into commonwealths, and putting themselves under government, is the preservation of their property. . . .

Analyzing Documents

Use the passage on this page to answer the following questions.

1. According to Locke, what freedoms did people have before the founding of governments?
2. What are the potential dangers of a person living in what Locke called “perfect freedom”?
3. According to Locke, how are governments formed?
4. What trade-off does Locke say occurs when people live under government?

▶ Virginia Declaration of Rights

The Virginia Declaration of Rights was largely the work of George Mason (1725–1792), one of Virginia's wealthiest planters and a neighbor and friend of George Washington. The Declaration was adopted unanimously by the Virginia Convention of Delegates on June 12, 1776, and was later incorporated within the Virginia State Constitution. It influenced a number of later documents, including the Declaration of Independence and the Bill of Rights.

A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention; which rights do pertain to them and their posterity, as the basis and foundation of government.

I That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

III That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community; of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration; and that, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

IV That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge be hereditary.

V That the legislative and executive powers of the state should be separate and distinct from the judicative; and, that the members of the two first may be restrained from oppression by feeling and participating the burthens of

the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

VI That elections of members to serve as representatives of the people in assembly ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community have the right of suffrage and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

VII That all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people is injurious to their rights and ought not to be exercised.

VIII That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without

whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land or the judgement of his peers.

IX That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

X That general warrants, whereby any officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not



▲ George Mason

Analyzing Documents

1. The Declaration of Independence and the Bill of Rights echo several phrases and sentiments contained in the Virginia Declarations of Rights, such as “That all men are by nature equally free and independent, and have certain inherent rights”; “That all power is vested in, and consequently derived from, the people”; “That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defense of a free state”; and “That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.” They both delineate such basic rights as freedom of the press and freedom of religion.

2. Accept any answers that are supported with solid reasoning. Sample answer: I feel that the rights of the accused, which are described in Articles VIII and IX, are extremely important civil rights. The legal system at certain times in history has been such that the accused was not innocent until proven guilty and punished without just cause or due process. Defining these rights prevents judicial abuses and unfair trials. Delineated by the Bill of Rights and clarified by decisions handed down by the Supreme Court, the rights of the accused remain an important part of the American judicial system and our democratic society.

particularly described and supported by evidence, are grievous and oppressive and ought not to be granted.

XI That in controversies respecting property and in suits between man and man, the ancient trial by jury is preferable to any other and ought to be held sacred.

XII That the freedom of the press is one of the greatest bulwarks of liberty and can never be restrained but by despotic governments.

XIII That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that, in all cases, the military should be under strict subordination to, and be governed by, the civil power.

XIV That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

XV That no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles.

XVI That religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

Analyzing Documents

Use the passage on these pages to answer the following questions.

1. What similarities do you see in language and ideas between the Virginia Declaration of Rights and the Declaration of Independence? Between the Virginia Declaration of Rights and the Bill of Rights?
2. Choose one of the articles from the Virginia Declaration and explain the importance of the right that it describes using examples from your reading and general knowledge.

HISTORICAL DOCUMENTS

► Articles of Confederation

The Articles of Confederation were approved on November 15, 1777, and were in effect from March 1, 1781, when they were finally ratified by all 13 States, until March 4, 1789. They established a weak central government, which led to conflicts among the States. Demand soon grew for a stronger central government, leading to the creation of the United States Constitution.

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting. Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in the Words following, viz. “Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

[ART. I.] The Stile of this confederacy shall be “The United States of America.”

[ART. II.] Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

[ART. III.] The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

[ART. IV.] The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from

Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

If any Person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall upon demand of the Governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

[ART. V.] For the more convenient management of the general interests of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year.

No state shall be represented in Congress by less than two, nor by more than seven Members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

[ART. VI.] No state without the Consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, or alliance or treaty with any King, prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the united states in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accounted, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

[ART. VII.] When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

[ART. VIII.] All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled, shall from time to time direct

and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled.

[ART. IX.] The united states in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

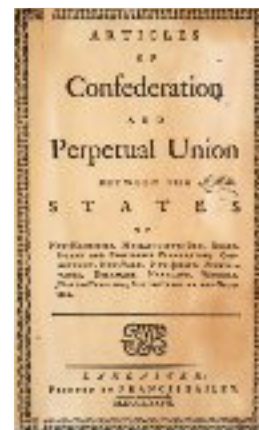
The united states in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent [of any] state in controversy with another shall present a petition to congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always

as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without shewing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear to defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided that every commissioner, before he

sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, “well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward;” provided also that no state shall be deprived of territory for the benefit of the united states.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The united states in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the united states—regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated—establishing and regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing thro’ the same as may be requisite to defray the expences of the said office—appointing all officers of the land forces, in the service of the united states, excepting



Cover of the Articles of Confederation

regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united states in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated “A Committee of the States,” and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of Money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expences—to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and clothe, arm and equip them in a soldier like manner, at the expence of the united states, and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the united states in congress assembled. But if the united states in congress assembled shall, on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any

other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

The congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six Months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

[ART. X.] The committee of the states, or any nine of them, shall be authorised to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

[ART. XI.] Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

[ART. XII.] All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged.

[ART. XIII.] Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

And whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of

Analyzing Documents

1. Contributing factors to the establishment of a loose confederation include the desire not to have a powerful central authority like the government from which the colonists had just gained their independence; the need to provide a central authority without undermining the authority and sovereignty of each State; and the necessity of meeting the demands of the ideological differences of each State.
2. Any three of the following is acceptable: each State no matter its size had only one vote; Congress could not levy or collect taxes; Congress was not able to regulate foreign or interstate commerce; there was no executive in place to enforce the acts of Congress; there was no national court system; amending the Articles of Confederation could occur only with the consent of all States; a 9/13 majority was required to pass laws; and the Articles were only "firm league of friendship."
3. Accept any answers that are supported with solid reasoning. Sample answer: The subservient nature of Congress to the States seems to be the greatest flaw in the Articles of Confederation. In order for the 13 colonies to work together as a nation, instead of 13 individual nations, there needed to be a central authority that was charged with the responsibility of looking out for the country as a whole without deference to the particular needs of a given State. A central government would have the authority to create and implement national laws, levy taxes to pay for government and governmental programs, and provide for the defense of the nation. Without a powerful central government, the confederation would eventually become weakened by in-fighting and dissent so that nothing would be accomplished and the "united states" would ultimately divide and become individual nations.

HISTORICAL DOCUMENTS

confederation and perpetual union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably

observed by the states we respectively represent, and that the union shall be perpetual. In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the ninth Day of July in the Year of our Lord one Thousand seven Hundred and Seventy-eight, and in the third year of the independence of America.

JOSIAH BARTLETT
JOHN WENTWORTH JUNR
AUGUST 8TH 1778
On The Part & Behalf Of
The State Of New Hampshire

JOHN HANCOCK
SAMUEL ADAMS
ELBRIDGE GERRY
FRANCIS DANA
JAMES LOVELL
SAMUEL HOLTEN
On The Part And Behalf Of
The State Of Massachusetts Bay

WILLIAM ELLERY
HENRY MARCHANT
JOHN COLLINS
On The Part And Behalf
Of The State Of Rhode Island
And Providence Plantations

ROGER SHERMAN
SAMUEL HUNTINGTON
OLIVER WOLCOTT
TITUS HOSMER
ANDREW ADAMS
On The Part And Behalf Of
The State Of Connecticut

JAS DUANE
FRAS LEWIS
WM DUER.
GOUV MORRIS
On The Part And Behalf Of
The State Of New York

JNO WITHERSPOON
NATHL SCUDDER
On The Part And In Behalf Of
The State Of New Jersey.
Novr 26, 1778.—

ROBT MORRIS
DANIEL ROBERDEAU
JONA BAYARD SMITH.
WILLIAM CLINGAN
JOSEPH REED
22D JULY 1778
On The Part And Behalf Of
The State Of Pennsylvania

THO MCKEAN
FEBY 12 1779
JOHN DICKINSON
MAY 5TH 1779
NICHOLAS VAN DYKE,
On The Part & Behalf Of
The State Of Delaware

JOHN HANSON
MARCH 1 1781
DANIEL CARROLL DO
On The Part And Behalf
Of The State Of Maryland

RICHARD HENRY LEE
JOHN BANISTER
THOMAS ADAMS
JNO HARVIE
FRANCIS LIGHTFOOT LEE
On The Part And Behalf Of
The State Of Virginia

JOHN PENN
JULY 21ST 1778
CORNIS HARNETT
JNO WILLIAMS
On The Part And Behalf
Of The State Of No Carolina

HENRY LAURENS
WILLIAM HENRY DRAYTON
JNO MATHEWS
RICHD HUTSON.
THOS HEYWARD JUNR
On The Part & Behalf Of
The State Of South Carolina

JNO WALTON
24TH JULY 1778
EDWD TELFAIR.
EDWD LANGWORTHY
On The Part And Behalf Of
The State Of Georgia

Analyzing Documents

Use the passage on these pages to answer the following questions.

1. What factors explain why the first government of the United States was a loose confederation of individual States?
2. List three reasons why the Articles of Confederation failed to establish a lasting government.
3. What do you think was the greatest flaw in the Articles? Why?

► *The Federalist* No. 10

One of the 29 essays believed to have been written by James Madison, the tenth of *The Federalist* papers presents Madison's observations on dealing with the "mischiefs of faction" and the advantages of a republican (representative) form of government over that of a pure democracy. This essay was first published on November 23, 1787.

Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion introduced into the public councils have, in truth, been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations.

The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true.

It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labor have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion,

or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy that it was worse than the disease. Liberty is to faction what air is to fire, an ailment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air,



Madison warned of "factions" leading to violence.

which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment of different leaders ambitiously contending for preeminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to cooperate for their common good. So strong is this propensity of mankind to fall into mutual animosities that, where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property.

Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors and those who are debtors fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of the government.

No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment and, not improbably, corrupt his integrity. With equal, nay, with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation but so many judicial determinations, not indeed concerning the rights of

single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party or, in other words, the most powerful faction must be expected to prevail.

Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? [These] are questions which would be differently decided by the landed and the manufacturing classes, and probably by neither with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number is a shilling saved to their own pockets.

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole. The inference to which we are brought is that the causes of faction cannot be removed and that relief is only to be sought in the means of controlling its effects.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which this form of government can be rescued from the opprobrium under which it has so long labored and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes

of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals and lose their efficacy in proportion to the number combined together, that is, in proportion as their efficacy becomes needful.

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are more favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations:

In the first place, it is to be remarked that, however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the two constituents, and being proportionally greater in the small republic, it follows that, if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to center in men who possess the most attractive merit and the most diffusive and established character.

It must be confessed that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these and too little fit to comprehend and pursue great and national objects. The federal Constitution forms a happy combination in this respect: the great and aggregate interests being referred to the national, the local and particular to the state legislatures.

The other point of difference is the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.

Hence, it clearly appears that the same advantage which a republic has over a democracy, in controlling the effects of factions, is enjoyed by a large over a small republic—is

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1. The number of factions, or groups, was causing instability, injustice, and confusion.
2. Madison supports a republican form of government over a pure democracy because in a pure democracy, "measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority." In other words, factions and individuals will tyrannize minorities.
3. Sample answer: Yes, because when there are too many groups with differing opinions, it is difficult to arrive at an equitable consensus. In addition, majority rule is inherently unrepresentative if one party is able to outnumber and oppress the rest.

enjoyed by the Union over the States composing it. Does the advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and to schemes of injustice? It will not be denied that the representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties comprised within the Union increase this security? Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the Union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular States but will be unable to spread a general conflagration through the other States. . . . A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project will be less apt to pervade the whole body of the Union than a particular member of it; in the same

proportion as such a malady is more likely to taint a particular county or district than an entire State.

In the extent, and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.

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Use the passage on these pages to answer the following questions.

1. What does Madison mean by "the mischief of faction"?
2. Why does Madison support a republican form of government over a pure democracy?
3. Do you agree with Madison's point of view? Explain your answer.

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► *The Federalist No. 51*

In the passage below, first published on February 8, 1788, Madison discusses the need for a system of checks and balances to guard against "a gradual concentration of the same powers [of the new government] in the same department."

To what expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments as laid down in the Constitution? The only answer that can be given is that as all these exterior provisions are found to be inadequate the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to

be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however, and some additional expense would attend the execution of



it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle; first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department must soon destroy all sense of dependence on the authority conferring them.

It is equally evident that the members of each department should be as little dependent as possible on those of the others for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power; where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other—that the private interest of every individual may be a sentinel over the public

rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State.

But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election, and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither alto-

gether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connection between this weaker department and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution, it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are, moreover, two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view.

First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.



James Madison

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1. through a system of checks and balances
2. The government will be divided into different branches that will be independent of one another.
3. "Double security" refers to first, the power of the people being divided between two distinct governments (State and federal), and second, subdividing that power among distinct and separate departments.

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Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: The one by creating a will in the community independent of the majority—that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States, oppressive combinations of a majority will be facilitated: the best security, under the republican forms, for the rights of every class of citizens, will be diminished; and consequently, the stability and independence of some member of the government, the only other security, must be proportionally increased. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to

reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger: And as, in the latter state, even the stronger individuals are prompted by the uncertainty of their condition to submit to a government which may protect the weak as well as themselves. So, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of the major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter; or, in other words, a will independent of the society itself. It is no less certain that it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practicable sphere, the more duly capable it will be of self-government. And happily for the *republican* cause, the practicable sphere may be carried to a very great extent by a judicious modification and mixture of the *federal principle*.

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Use the passage on these pages to answer the following questions.

1. How will the new government guard against placing too much power in the hands of one individual or government body?
2. How will checks and balances be achieved in the new government?
3. What is the "double security" that Madison refers to in this passage?

▶ *The Federalist* No. 78

The Federalist papers were the brainchild of Alexander Hamilton, who conceived them and recruited James Madison and John Jay to the project. Hamilton is usually credited as the author of 51 of the 85 essays in the collection. Here, he discusses the national judiciary to be established by Article III in the proposed Constitution. He emphasizes the vital need for an independent judiciary and its role in the interpretation of laws and the determination of their constitutionality. First published April 11, 1788.

We proceed now to an examination of the judiciary department of the proposed government. In unfolding the defects of the existing Confederation, the utility and necessity of a federal judicature have been clearly pointed out. It is the less necessary to recapitulate the considerations there urged as the propriety of the institution in the abstract is not disputed; the only questions which have been raised being relative to the manner of constituting it, and to its extent. To these points, therefore, our observations shall be confined.

The manner of constituting it seems to embrace these several objects: 1st. The mode of appointing the judges. 2nd. The tenure by which they are to hold their places. 3rd. The partition of the judiciary authority between different courts and their relations to each other.

First. As to the mode of appointing the judges: this is the same with that of appointing the officers of the Union in general and has been so fully discussed in the two last numbers that nothing can be said here which would not be useless repetition.

Second. As to the tenure by which the judges are to hold their places: this chiefly concerns their duration in office, the provisions for their support, the precautions for their responsibility.

According to the plan of the convention, all judges who may be appointed by the United States are to hold their offices during good behavior; which is conformable to the most approved of the State constitutions, and among the rest, to that of this State. Its propriety having been drawn into question by the adversaries of that plan is no light symptom of the rage for objection which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws.

Whoever attentively considers the different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever.

This simple view of the matter suggests several important consequences. It proves incontestably that the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. It equally proves that though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the executive. For I agree that "there is no liberty if the power of judging be not separated from the legislative and executive powers." And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments; that as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its coordinate branches; and that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the Constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged that the authority which can declare the acts of another void must necessarily be superior to the one whose acts may be declared void. As this doctrine is of great importance in all the American constitutions, a brief discussion of the grounds on which it rests cannot be unacceptable.

There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid.

If it be said that the legislative body are themselves the constitutional judges of their own powers and that the construction they put upon them is conclusive upon the other departments, it may be answered that this cannot be the natural presumption where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. It is far more rational to suppose that the courts were designed to be an intermediate body between the people and the legislature in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges as, a fundamental law. It therefore belongs to them to ascertain its meaning as well

as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both, and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former.

They ought to regulate their decisions by the fundamental laws rather than by those which are not fundamental.

This exercise of judicial discretion in determining between two contradictory laws is exemplified in a familiar instance. It not uncommonly happens that there are two statutes existing at one time, clashing in whole or in part with each other and neither of them containing any repealing clause or expression. In such a case, it is the province of the courts to liquidate and fix their meaning and operation. So far as they can,

by any fair construction, be reconciled to each other, reason and law conspire to dictate that this should be done; where this is impracticable, it becomes a matter of necessity to give effect to one in exclusion of the other. The rule which has obtained in the courts for determining their relative validity is that the last in order of time shall be preferred to the first. But this is a mere rule of construction, not derived from any positive law but from the nature and reason of the thing. It is a rule not enjoined upon the courts by legislative provision but adopted by themselves, as consonant to truth and propriety, for the direction of their conduct as interpreters of the law. They thought it reasonable that between the interfering acts of an equal authority that which was the last indication of its will should have the preference.

But in regard to the interfering acts of a superior and subordinate authority of an original and derivative power, the nature and reason of the thing indicate the converse of that rule as proper to be followed. They teach us that the prior act of a superior ought to be preferred to the subsequent act of an inferior and subordinate authority; and that accordingly, whenever a particular statute contravenes



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the Constitution, it will be the duty of the judicial tribunals to adhere to the latter and disregard the former.

It can be of no weight to say that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes; or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it prove anything, would prove that there ought to be no judges distinct from that body.

If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty.

This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community. Though I trust the friends of the proposed Constitution will never concur with its enemies in questioning that fundamental principle of Republican government which admits the right of the people to alter or abolish the established Constitution whenever they find it inconsistent with their happiness; yet it is not to be inferred from this principle that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents incompatible with the provisions in the existing Constitution would, on that account, be justifiable in a violation of those provisions; or that the courts would be under a greater obligation to connive at infractions in this shape than when they had proceeded wholly from the cabals of the representative body. Until the people have, by some solemn and authoritative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually; and no presumption, or even knowledge of their sentiments, can warrant their representatives in a departure from it prior to such an act. But it is easy to see that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where legislative invasions of it had been instigated by the major voice of the community.

But it is not with a view to infractions of the Constitution only that the independence of the judges may be an essential safeguard against the effects of occasional ill humors in the society. These sometimes extend no farther than to the

injury of the private rights of particular classes of citizens, by unjust and partial laws. Here also the firmness of the judicial magistracy is of vast importance in mitigating the severity and confining the operation of such laws. It not only serves to moderate the immediate mischiefs of those which may have been passed but it operates as a check upon the legislative body in passing them; who, perceiving that obstacles to the success of iniquitous intention are to be expected from the scruples of the courts, are in a manner compelled, by the very motives of the injustice they mediate, to qualify their attempts. This is a circumstance calculated to have more influence upon the character of our governments than but few may be aware of. The benefits of the integrity and moderation of the judiciary have already been felt in more States than one; and though they may have displeased those whose sinister expectations they may have disappointed, they must have commanded the esteem and applause of all the virtuous and disinterested. Considerate men of every description ought to prize whatever will tend to beget or fortify that temper in the courts; as no man can be sure that he may not be tomorrow the victim of a spirit of injustice, by which he may be a gainer today. And every man must now feel that the inevitable tendency of such a spirit is to sap the foundations of public and private confidence and to introduce in its stead universal distrust and distress.

That inflexible and uniform adherence to the rights of the Constitution, and of individuals, which we perceive to be indispensable in the courts of justice, can certainly not be expected from judges who hold their offices by a temporary commission. Periodical appointments, however regulated, or by whomsoever made, would, in some way or other, be fatal to their necessary independence. If the power of making them was committed either to the executive or legislature there would be danger of an improper complaisance to the branch which possessed it; if to both, there would be an unwillingness to hazard the displeasure of either; if to the people, or to persons chosen by them for the special purpose, there would be too great a disposition to consult popularity to justify a reliance that nothing would be consulted but the Constitution and the laws.

There is yet a further and a weighty reason for the permanency of the judicial offices which is deducible from the nature of the qualifications they require. It has been frequently remarked with great propriety that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind that the records of those precedents must unavoidably swell to a very considerable bulk and must demand long and laborious study to acquire a competent knowledge of them. Hence it is that there can be but few men in the society who will have suf-

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1. According to Hamilton, the term of a judge should be the length of the judge's lifetime as long as he exhibits good behavior.
2. Judges are to be an intermediary between the people and the legislature, checking the legislature when it oversteps its bounds. They should remain independent of the other branches of government with regard to decision making, and should regard the Constitution as the nation's fundamental law, deferring to it when making decisions.
3. Sample answer: I believe Hamilton would be generally pleased with the judicial system as it exists today. Many of the fundamental principles he puts forth in *The Federalist* No. 78 are visible in our judiciary. Hamilton might frown on the election of judges and those who are seen as "activist." However, he would probably approve of the idea that many judges are free of political constraints and that they still hold the Constitution as the fundamental law of the land.

ficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge. These considerations apprise us that the government can have no great option between fit characters; and that a temporary duration in office which would naturally discourage such characters from quitting a lucrative line of practice to accept a seat on the bench would have a tendency to throw the administration of justice into hands less able and less well qualified to conduct it with utility and dignity. In the present circumstances of this country and in those in which it is likely to be for a long time to come, the disadvantages on this score would be greater than they may at first sight appear; but it must be confessed that they are far inferior to those which present themselves under the other aspects of the subject.

Upon the whole, there can be no room to doubt that the convention acted wisely in copying from the models of

those constitutions which have established *good behavior* as the tenure of their judicial offices, in point of duration; and that so far from being blamable on this account, their plan would have been inexcusably defective if it had wanted this important feature of good government. The experience of Great Britain affords an illustrious comment on the excellence of the institution.

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Use the passage on these pages to answer the following questions.

1. According to Hamilton, how long should judges stay in office?
2. What does Hamilton say is the role of judges?
3. What might Hamilton say about the judicial system as it exists today?

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► The Emancipation Proclamation

President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, at the beginning of the third year of the bloody Civil War. The proclamation declared "that all persons held as slaves" within the rebellious states "are, and henceforward shall be free." Although the Emancipation Proclamation applied to a limited geographical area, it fundamentally changed the nature of the war to a conflict focused on freedom for all.



Whereas on the 22d day of September, A.D. 1862, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the 1st day of January, A.D. 1863, all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the executive will on the 1st day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State or the people thereof shall on that day be in good faith represented in the Congress of the United States by members chosen

thereto at elections wherein a majority of the qualified voters of such States shall have participated shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State and the people thereof are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this 1st day of January, A.D. 1863, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the first day above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

Analyzing Documents

Use the passage on these pages to answer the following questions.

1. Recall the eight roles and the powers of the President. Which role and which power allow Lincoln to proclaim freedom for slaves?
2. In addition to proclaiming an end to slavery, what other action does the Proclamation declare? Why is this action significant?
3. Why was the Proclamation important even though no slaves were freed immediately?

Analyzing Documents

1. role: chief executive; power: ordinance power
2. In addition to ending slavery, the Proclamation declares that "military and naval authorities will recognize and maintain the freedom of said persons."
3. It changed the nature of the Civil War to a conflict focused on freedom for all, instead of a war about slavery.

HISTORICAL DOCUMENTS

Over the course of the Civil War, nearly 180,000 African Americans wore the Union uniform. ▶



► Declaration of Sentiments

Elizabeth Cady Stanton and Lucretia Mott, two activists in the movement to abolish slavery, called together the first conference to address women's rights and issues in Seneca Falls, New York, in 1848. Using the Declaration of Independence as a model, the Declaration of Sentiments demanded that the rights of women be acknowledged and respected.

HISTORICAL DOCUMENTS

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled. The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

- He has never permitted her to exercise her inalienable right to the elective franchise.
- He has compelled her to submit to laws, in the formation of which she had no voice.

- He has withheld from her rights which are given to the most ignorant and degraded men—both natives and foreigners.
- Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.
- He has made her, if married, in the eye of the law, civilly dead.
- He has taken from her all right in property, even to the wages she earns.
- He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master—the law giving him power to deprive her of her liberty, and to administer chastisement.
- He has so framed the laws of divorce, as to what shall be the proper causes, and in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women—the law, in all cases, going upon a false supposition of the supremacy of man, and giving all power into his hands.
- After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.
- He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration.
- He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.
- He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.
- He allows her in church, as well as state, but a subordinate position, claiming apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the church.

Lucretia Mott ▶



◀ Elizabeth Cady Stanton

- He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.
- He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.
- He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation—in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States.

Analyzing Documents

Use the passage on these pages to answer the following questions.

1. Why did Mott and Stanton base their Declaration on the Declaration of Independence? What additional goals does the Declaration of Sentiments include?
2. The Declaration of Sentiments attracted much controversy when it was first published? Why might this have been so?
3. Why is the Declaration of Sentiments an important document in the history of securing rights for all Americans?

Analyzing Documents

1. Sample answer: Mott and Stanton based their declaration on the Declaration of Independence to show the omission of “women” alongside “men are created equal” in the Declaration of Independence. That document also lent their declaration weightiness and authority. Additional goals included a desire for an equal station in government, a voice in the formation of laws, and a thorough education. They wanted immediate admission to all the rights and privileges that belonged to them as citizens.
2. Sample answer: At the time, it was a radical idea to think of women having an equal place in society and enjoying the full rights of citizenship.
3. The Declaration of Sentiments demands equality regardless of gender, and the same could be said for other groups who have experienced discrimination.

Analyzing Documents

1. The following rights are also reflected in the Bill of Rights: prohibition of cruel and unusual punishment, freedom of religion, freedom of opinion and expression, and freedom of peaceful assembly and association.
2. Additional rights that are not included in the U.S. Constitution include free choice of employment, the right to an adequate standard of living, and the right to education. Sample answer: These rights are most likely not spelled out in the Constitution because they are inherent to our democratic system of government.
3. Sample answer: The existence of this declaration would put pressure on oppressive regimes to provide basic liberties and freedoms.

► Universal Declaration of Human Rights

The General Assembly of the United Nations adopted this declaration on December 10, 1948. The document sets forth the basic liberties and freedoms to which all people are entitled.

Article 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.

Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. . . .

Article 3 Everyone has the right to life, liberty and security of person.

Article 4 No one shall be held in slavery or servitude. . . .

Article 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9 No one shall be subjected to arbitrary arrest, detention or exile.

Article 13 Everyone has the right to freedom of movement. . . .

Article 18 Everyone has the right to freedom of thought, conscience and religion. . . .

Article 19 Everyone has the right to freedom of opinion and expression. . . .

Article 20 Everyone has the right to freedom of peaceful assembly and association. . . .

Article 23 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. . . .

Article 25 Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Article 26 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. . . .

Analyzing Documents

Use the passage on this page to answer the following questions.

1. Which of the above rights are reflected in the Bill of Rights in the U.S. Constitution?
2. What additional rights are included in these excerpts? Why do you think these rights are not spelled out in the U.S. Constitution?
3. In what ways might the existence of this declaration benefit people living under an oppressive regime?

HISTORICAL DOCUMENTS



▲ A young girl carries water in Chennai, India

Supreme Court Glossary

***Abrams v. United States* (1919)**

Decision: The Court ruled 7-2 that Congress could make it illegal to criticize the United States government and to encourage others not to obey the laws. When the defendants were convicted of distributing pamphlets that opposed certain U.S. military policies during World War I and urging people not to participate in the war effort, they were sentenced to 20 years imprisonment. The Court upheld their convictions. In his dissent, Justice Oliver Wendell Holmes argued that “the surreptitious publishing of a silly leaflet by an unknown man” did not create a clear and imminent danger to the United States and therefore should be protected by the First Amendment. The case was essentially overruled 50 years later in *Brandenburg v. Ohio*, which held that “mere advocacy” is constitutionally protected unless it is actually likely to produce imminent lawless action.

***Agostini v. Felton* (1997)**

Decision: The Court decided that it was appropriate to reconsider *Aguilar v. Felton* as subsequent cases had undermined several of the assumptions, for example that public employees placed at parochial schools would “inevitably inculcate religion,” upon which the decision was based. The Court then found that New York City’s Title I Program did not violate any of the criteria used “to evaluate whether government aid has the effect of advancing religion: it does not result in governmental indoctrination; define its recipients by reference to religion; or create an excessive entanglement.” As a result, the Court concluded that “a federally funded program providing supplemental, remedial instruction to disadvantaged children on a neutral basis is not invalid under the Establishment Clause when such instruction is given on the premises of sectarian schools by government employees pursuant to a program containing safeguards” against excessive entanglement between government and religion.

***Alden v. Maine* (1999)**

Decision: In a 5-4 decision, the Court held that Congress does not have the power to force States to submit to being sued in their own courts without their consent. The structure of the Constitution and the Eleventh Amendment give the States “sovereign immunity” that allows the States to prevent people from suing them in their own courts, and Congress does not have the power to override this immunity.

***American Insurance Association v. Garamendi* (2003)**

Decision: California’s Holocaust Victim Insurance Relief Act interferes with the President’s conduct of the nation’s

foreign policy and is therefore unconstitutional. Although the executive agreements do not specifically prohibit State action, they do pre-empt (override) the State’s authority to act on the same subject matter, even in the absence of any direct conflict.

***Baker v. Carr* (1962)**

Decision: Although in past decisions, the Court had called apportionment cases a “political thicket” and declined to intervene, in *Baker*, the Court held that it was within the scope of the judicial branch of government to rule on matters of legislative apportionment. The Court further ruled that Baker and other Tennessee citizens were entitled to a trial deciding whether their constitutionally guaranteed right to equal protection of the law (14th Amendment) had been denied. *Baker* opened the door to later cases on apportionment which led to the eventual reapportioning of nearly every State legislature according to population.

***Board of Estimate of City of New York v. Morris* (1989)**

Decision: The reapportionment requirement of “one-person, one-vote” applies to the Board of Estimate. The Board has sufficient legislative functions that its composition must fairly represent city voters on an approximately equal basis. The fact that some members are elected city-wide is one factor to be considered in evaluating the fairness of the electoral structure, but it is not determinative. The City’s expressed interests—that the Board be effective and that it accommodate natural and political boundaries as well as local interests—does not justify the size of the deviation from the “one-person, one-vote” ideal. The City could structure the Board in other ways that would further these interests while minimizing the discrimination in voting power.

***Bob Jones University v. United States* (1983)**

(14th Amendment in conflict with 1st Amendment) Bob Jones University, a private school, denied admission to applicants in an interracial marriage or who “espouse” interracial marriage or dating. The Internal Revenue Service then denied tax exempt status to the school because of racial discrimination. The university appealed, claiming their policy was based on the Bible. The Court upheld the IRS ruling, stating that “. . . Government has a fundamental overriding interest in eradicating racial discrimination in education.”

***Brandenburg v. Ohio* (1969)**

Decision: The Court ruled unanimously that advocacy is protected under the First Amendment “except where such advocacy is directed to inciting or producing imminent

lawless action and is likely to incite or produce such action.” Therefore a Ku Klux Klan leader could not be convicted under an Ohio statute that prohibited advocating violence. The opinion effectively overruled prior Supreme Court cases such as *Whitney v. California* and *Abrams v. United States* that had allowed criminal convictions merely for urging violence or other unlawful acts.

Brown v. Board of Education of Topeka (1954)

(14th Amendment, Equal Protection Clause) Probably no twentieth century Supreme Court decision so deeply stirred and changed life in the United States as *Brown*. A 10-year-old Topeka girl, Linda Brown, was not permitted to attend her neighborhood school because she was an African American. The Court heard arguments about whether segregation itself was a violation of the Equal Protection Clause and found that it was, commenting that “in the field of public education the doctrine of ‘separate but equal’ has no place. . . . Segregation is a denial of the equal protection of the laws.” The decision overturned *Plessy v. Ferguson*, 1896.

City of Boerne, Texas v. Flores (1997)

Decision: A 6-3 majority ruled that the Religious Freedom Restoration Act was unconstitutional. The majority concluded that the Act was not a legitimate attempt by Congress to implement the Free Exercise Clause of the First Amendment but was really an attempt to change constitutional law as previously determined by the Court. The Act therefore violated separation of powers.

The Civil Rights Cases (1883)

(14th Amendment, Equal Protection Clause) The Civil Rights Act of 1875 included punishments of businesses that practiced discrimination. The Court ruled on a number of cases involving the Acts in 1883, finding that the Constitution, “while prohibiting discrimination by governments, made no provisions . . . for acts of racial discrimination by private individuals.” The decision limited the impact of the Equal Protection Clause, giving tacit approval for segregation in the private sector.

Cruzan v. Missouri (1990)

(14th Amendment, Due Process Clause) After Nancy Beth Cruzan was left in a “persistent vegetative state” by a car accident, Missouri officials refused to comply with her parents’ request that the hospital terminate life-support. The Court upheld the State policy under which officials refused to withdraw treatment, rejecting the argument that the Due Process Clause of the 14th Amendment gave the parents the right to refuse treatment on their daughter’s behalf. Although individuals have the right to refuse medical treatment, “incompetent” persons are not able to exercise this right; without “clear and convincing” evidence that Cruzan desired the withdrawal of treatment, the State could legally act to preserve her life.

Dennis v. United States (1951)

(1st Amendment, freedom of speech) The Smith Act of 1940 made it a crime for any person to work for the violent overthrow of the United States in peacetime or war. Eleven Communist party leaders, including Dennis, had been convicted of violating the Smith Act, and they appealed. The Court upheld the Act.

District of Columbia v. Heller (2008)

Decision: The Court ruled 5 to 4 that Washington, D.C.’s gun law was unconstitutional. The majority concluded that the Second Amendment “right of the people to keep and bear Arms” meant that individuals could have weapons for self-defense. An outright ban on gun ownership was therefore unconstitutional. In addition, since dismantled or disabled weapons would not be useful for self-defense, the part of the law requiring that all guns, including shotguns and rifles, be kept unloaded and either taken apart or disabled by a trigger lock was also unconstitutional. In dissent, Justice Breyer suggested a balancing test, under which gun control laws could be constitutional when they supported a compelling governmental interest in preventing crime.

Dred Scott v. Sandford (1857)

(5th Amendment, individual rights) This decision upheld property rights over human rights by saying that Dred Scott, a slave, could not become a free man just because he had traveled in “free soil” States with his master. A badly divided nation was further fragmented by the decision. “Free soil” federal laws and the Missouri Compromise line of 1820 were held unconstitutional because they deprived a slave owner of the right to his “property” without just compensation. This narrow reading of the Constitution, a landmark case of the Court, was most clearly stated by Chief Justice Roger B. Taney, a States’ rights advocate.

Engel v. Vitale (1962)

(1st Amendment, Establishment Clause) The State Board of Regents of New York required the recitation of a 22-word nonsectarian prayer at the beginning of each school day. A group of parents filed suit against the required prayer, claiming it violated their 1st Amendment rights. The Court found New York’s action to be unconstitutional, observing, “There can be no doubt that . . . religious beliefs [are] embodied in the Regent’s prayer.”

Edwards v. South Carolina (1963)

(1st Amendment, freedom of speech and assembly) A group of mostly African American civil rights activists held a rally at the South Carolina State Capitol, protesting segregation. A hostile crowd gathered and the rally leaders were arrested and convicted for “breach of the peace.” The Court overturned the convictions, saying, “The Fourteenth Amendment does not permit a State to make criminal the peaceful expression of unpopular views.”

Escobedo v. Illinois (1964)

(6th Amendment, right to counsel) In a case involving a murder confession by a person known to Chicago-area police who was not afforded counsel while under interrogation, the Court extended the “exclusionary rule” to illegal confessions in State court proceedings. Carefully defining an “Escobedo Rule,” the Court said, “where. . . the investigation is no longer a general inquiry . . . but has begun to focus on a particular suspect . . . (and where) the suspect has been taken into custody . . . the suspect has requested . . . his lawyer, and the police have not . . . warned him of his right to remain silent, the accused has been denied . . . counsel in violation of the Sixth Amendment.”

Ex parte Milligan (1866)

(Article II, executive powers) An Indiana man was arrested, treated as a prisoner of war, and imprisoned by a military court during the Civil War under presidential order. He claimed that his rights to a fair trial were interfered with and that military courts had no authority outside of “conquered territory.” He was released because, “the Constitution . . . is a law for rulers and people, equally in war and peace, and covers . . . all . . . men, at all times, and under all circumstances.” The Court held that presidential powers to suspend the writ of habeas corpus in time of war did not extend to creating another court system run by the military.

Flast v. Cohen (1968)

Decision: The Supreme Court concluded that the rule announced in *Frothingham v. Mellon* expressed a practical policy of judicial self-restraint rather than an absolute constitutional limitation on the power of federal courts to hear taxpayer suits. While mere status as a federal taxpayer ordinarily will not give sufficient “standing” to allow a person to challenge the constitutionality of a federal law, there may be times when taxpayers are appropriate plaintiffs. *Flast v. Cohen*, in which plaintiffs argued that the First Amendment specifically prohibited taxing them in order to support religious activities, was one in which their role as taxpayers was well suited to the challenge they sought to assert. The Court ruled that they had standing to sue, and allowed them to proceed with their case.

Furman v. Georgia (1972)

(8th Amendment, capital punishment) Three different death penalty cases, including *Furman*, raised the question of racial imbalances in the use of death sentences by State courts. *Furman* had been convicted and sentenced to death in Georgia. In deciding to overturn existing State death-penalty laws, the Court noted that there was an “apparent arbitrariness of the use of the sentence. . . .” Many States rewrote their death-penalty statutes and these were generally upheld in *Gregg v. Georgia*, 1976.

Gibbons v. Ogden (1824)

(Supremacy Clause) This decision involved a careful examination of the power of Congress to “regulate interstate commerce.” Aaron Ogden’s exclusive New York ferry license gave him the right to operate steamboats to and from New York. He said that Thomas Gibbons’s federal “coasting license” did not include “landing rights” in New York City. The Court invalidated the New York licensing regulations, holding that federal regulations should take precedence under the Supremacy Clause. The decision strengthened the power of the United States to regulate any interstate business relationship. Federal regulation of the broadcasting industry, oil pipelines, and banking are all based on *Gibbons*.

Gideon v. Wainwright (1963)

(6th Amendment, right to counsel) In 1961 a Florida court found Clarence Earl Gideon guilty of breaking and entering and sentenced him to five years in prison. Gideon appealed his case to the Supreme Court on the basis that he had been unconstitutionally denied counsel during his trial due to Florida’s policy of only providing appointed counsel in capital cases. The Court granted Gideon a new trial, and he was found not guilty with the help of a court-appointed attorney. The “Gideon Rule” upheld the 6th Amendment’s guarantee of counsel of all poor persons facing a felony charge, a further incorporation of Bill of Rights guarantees into State constitutions.

Gitlow v. New York (1925)

(1st Amendment, freedom of speech) A New York socialist, Gitlow, was convicted under a State law on “criminal anarchy” for distributing copies of a “left-wing manifesto.” For the first time, the Court considered whether the 1st Amendment applied to State laws. The case helped to establish what came to be known as the “incorporation” doctrine, under which, it was argued, the provisions of the 1st Amendment were “incorporated” by the 14th Amendment, thus applying to State as well as federal laws. Although New York law was not overruled in this case, the decision clearly indicated that the Supreme Court could make such a ruling. See also *Powell v. Alabama*, 1932.

Goss v. Lopez (1975)

(14th Amendment, Due Process Clause) Ten Ohio students were suspended from their schools without hearings. The students challenged the suspensions, claiming that the absence of a preliminary hearing violated their 14th Amendment right to due process. The Court agreed, holding that “having chosen to extend the right to an education. . . Ohio may not withdraw that right on grounds of misconduct, absent fundamentally fair procedures to determine whether the misconduct has occurred, and must recognize a student’s legitimate entitlement to a public education as a property interest that is protected by the Due Process Clause.”

Gregg v. Georgia (1976)

(8th Amendment, cruel and unusual punishment) A Georgia jury sentenced Troy Gregg to death after finding him guilty on two counts each of murder and armed robbery. Gregg appealed the sentence, claiming that it violated the “cruel and unusual punishment” clause of the 8th Amendment and citing *Furman v. Georgia*, 1972, in which the court held that Georgia’s application of the death penalty was unfair and arbitrary. However, the Court upheld Gregg’s sentence, stating for the first time that “punishment of death does not invariably violate the Constitution.”

Griswold v. Connecticut (1965)

(14th Amendment, Due Process Clause) A Connecticut law forbade the use of “any drug, medicinal article, or instrument for the purpose of preventing conception.” Griswold, director of Planned Parenthood in New Haven, was arrested for counseling married persons and, after conviction, appealed. The Court overturned the Connecticut law, saying that “various guarantees (of the Constitution) create zones of privacy. . .” and questioning, “. . . would we allow the police to search the sacred precincts of marital bedrooms. . . ?” The decision is significant for raising for more careful inspection the concept of “unenumerated rights” in the 9th Amendment, later central to *Roe v. Wade*, 1973.

Grutter v. Bollinger; Gratz v. Bollinger (2003)

Decision: (*Gratz*) The policy of the University of Michigan, giving undergraduate applicants twenty points just for being a member of a racial or ethnic group, violates the Equal Protection Clause of the 14th Amendment. The policy discriminates on the basis of race, but is not narrowly tailored to create a diverse student body. (*Grutter*) The policy of the University of Michigan’s law school, considering an applicant’s racial or ethnic background as just one factor in attempting to admit a diverse student body, is constitutional. Because the law school considers each applicant individually, and does not assign an inflexible value for race, the policy creates a diverse student body without discriminating on the basis of race.

Hazelwood School District v. Kuhlmeier (1988)

(1st Amendment, freedom of speech) In 1983, the principal of Hazelwood East High School in Missouri removed two articles from the upcoming issue of the student newspaper, deeming their content “inappropriate, personal, sensitive, and unsuitable for student readers.” Several students sued, claiming that their right to freedom of expression had been violated. The Court upheld the principal’s action: “a school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school.” School officials had full control over school-sponsored activities “so long as their actions are reasonably related to legitimate pedagogical concerns. . . .”

Heart of Atlanta Motel, Inc. v. United States (1964)

Decision: The Court ruled that Congress could outlaw racial segregation of private facilities that are engaged in interstate commerce. The Court’s decision stated, “If it is interstate commerce that feels the pinch, it does not matter how ‘local’ the operation which applies the squeeze. . . . The power of Congress to promote interstate commerce also includes the power to regulate the local incidents thereof, including local activities. . . which have a substantial and harmful effect upon that commerce.”

Hutchinson v. Proxmire (1979)

Decision: The Court held that the Speech or Debate Clause gives members of Congress immunity from suit for defamatory statements made within the legislative chambers, but the privilege does not extend to comments made in other locations, even if they merely repeat what was said in Congress. The newsletters and press release were not within the deliberative process nor were they essential to the deliberation of the Senate. They also were not part of the “informing function” of members of Congress, since they were not a part of legislative function or process. The comments were merely designed to convey information on the Senator’s individual positions and beliefs. Finally, although Hutchinson had received extensive attention in the media as a result of his receipt of the Golden Fleece Award, he was not a public figure prior to that controversy and thus is entitled to the greater protection against defamation that is extended to non-public figures. The fact that the public may have an interest in governmental expenditures does not make Hutchinson himself a public figure.

Illinois v. Wardlow (2000)

Decision: The Supreme Court refused to say that flight from the police will always justify a stop or that it will never do so. Instead, the Court ruled that flight can be an important factor in determining whether police have “reasonable suspicion” to stop a suspect. The trial court will have to determine in each case whether the information available to the police officers, including the fact of a suspect’s flight, was sufficient to support the stop.

In Re Gault (1966)

(14th Amendment, Due Process Clause) Prior to the *Gault* case, proceedings against juvenile offenders were generally handled as “family law,” not “criminal law” and provided few due process guarantees. Gerald Gault was assigned to six years in a State juvenile detention facility for an alleged obscene phone call. He was not provided counsel and not permitted to confront or cross-examine the principal witness. The Court overturned the juvenile proceedings and required that States provide juveniles “some of the due process guarantees of adults,” including a right to a phone call, to counsel, to cross-examine, to confront their accuser, and to be advised of their right to silence.

Johnson v. Santa Clara Transportation Agency (1987)

(Discrimination) Under their affirmative action plan, the Transportation Agency in Santa Clara, California, was authorized to “consider as one factor the sex of a qualified applicant” in an effort to combat the significant underrepresentation of women in certain job classifications. When the Agency promoted Diane Joyce, a qualified woman, over Paul Johnson, a qualified man, for the job of road dispatcher, Johnson sued, claiming that the Agency’s consideration of the sex of the applicants violated Title VII of the Civil Rights Act of 1964. The Court upheld the Agency’s promotion policy, arguing that the affirmative action plan created no “absolute bar” to the advancement of men but rather represented “a moderate, flexible, case-by-case approach to effecting a gradual improvement in the representation of minorities and women . . . in the Agency’s work force, and [was] fully consistent with Title VII.”

Korematsu v. United States (1944)

Decision: The Court upheld the military order in light of the circumstances presented by World War II. “Pressing public necessity may sometimes justify the existence of restrictions which curtail the civil rights of a single racial group.” The Court noted, however, that racial antagonism itself could never form a legitimate basis for the restrictions.

Lemon v. Kurtzman (1971)

(1st Amendment, Establishment Clause) In overturning State laws regarding aid to church-supported schools in this and a similar Rhode Island case, the Court created the Lemon test limiting “. . . excessive government entanglement with religion.” The Court noted that any State law about aid to religion must meet three criteria: (1) purpose of the aid must be clearly secular, (2) its primary effect must neither advance nor inhibit religion, and (3) it must avoid “excessive entanglement of government with religion.”

Mapp v. Ohio (1962)

(4th and 14th Amendments, illegal evidence and Due Process Clause) Admitting evidence gained by illegal searches was permitted by some States before *Mapp*. Cleveland police raided Dollree Mapp’s home without a warrant and found obscene materials. She appealed her conviction, saying that the 4th and 14th Amendments protected her against improper police behavior. The Court agreed, extending “exclusionary rule” protections to citizens in State courts, saying that the prohibition against unreasonable searches would be “meaningless” unless evidence gained in such searches was “excluded.” *Mapp* developed the concept of “incorporation” begun in *Gitlow v. New York*, 1925.

Marbury v. Madison (1803)

(Article III, judicial powers) After defeat in the 1800 election, President Adams appointed many Federalists to the

federal courts, but James Madison, the new secretary of state, refused to deliver the commissions. William Marbury, one of the appointees, asked the Supreme Court to enforce the delivery of his commission based on a provision of the Judiciary Act of 1789 that allowed the Court to hear such cases on original jurisdiction. The Court refused Marbury’s request, finding that the relevant portion of the Judiciary Act was in conflict with the Constitution. This decision, written by Chief Justice Marshall, established the evaluation of federal laws’ constitutionality, or “judicial review,” as a power of the Supreme Court.

McCulloch v. Maryland (1819)

(Article I, Section 8, Necessary and Proper Clause) Called the “Bank of the United States” case. A Maryland law required federally chartered banks to use only a special paper to print paper money, which amounted to a tax. James McCulloch, the cashier of the Baltimore branch of the bank, refused to use the paper, claiming that States could not tax the Federal Government. The Court declared the Maryland law unconstitutional, commenting “. . . the power to tax implies the power to destroy.”

Miranda v. Arizona (1966)

(5th, 6th, and 14th Amendments, rights of the accused) Arrested for kidnapping and sexual assault, Ernesto Miranda signed a confession including a statement that he had “full knowledge of [his] legal rights. . . .” After conviction, he appealed, claiming that without counsel and without warnings, the confession was illegally gained. The Court agreed with Miranda that “he must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to . . . an attorney and that if he cannot afford an attorney one will be appointed for him. . . .” Although later modified by *Nix v. Williams*, 1984, and other cases, *Miranda* firmly upheld citizen rights to fair trials in State courts.

New Jersey v. T.L.O. (1985)

(4th and 14th Amendments) After T.L.O., a New Jersey high school student, denied an accusation that she had been smoking in the school lavatory, a vice-principal searched her purse and found cigarettes, marijuana, and evidence that T.L.O. had been involved in marijuana dealing at the school. T.L.O. was then sentenced to probation by a juvenile court, but appealed on the grounds that the evidence against her had been obtained by an “unreasonable” search. The Court rejected T.L.O.’s arguments, stating that the school had a “legitimate need to maintain an environment in which learning can take place,” and that to do this “requires some easing of the restrictions to which searches by public authorities are ordinarily subject. . . .” The Court thus created a “reasonable suspicion” rule for school searches, a change from the “probable cause” requirement in the wider society.

New York Times v. United States (1971)

(1st Amendment, freedom of the press) In 1971 The New York Times obtained copies of classified Defense Department documents, later known as the “Pentagon Papers,” which revealed instances in which the Johnson Administration had deceived Congress and the American people regarding U.S. policies during the Vietnam War. A U.S. district court issued an injunction against the publication of the documents, claiming that it might endanger national security. On appeal, the Supreme Court cited the 1st Amendment guarantee of a free press and refused to uphold the injunction against publication, observing that it is the obligation of the government to prove that actual harm to the nation’s security would be caused by the publication. The decision limited “prior restraint” of the press.

New York Times v. Sullivan (1964)

Decision: A unanimous Court announced that a public official could not win a suit for defamation (false statement) unless the statement was made with “actual malice,” meaning either with the knowledge that it was false or with “reckless disregard” of the truth. The Court found a national commitment to “uninhibited, robust, and wide-open” debate on issues of public concern—even when this included “vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” Without an “actual malice” standard, citizens might be unwilling to criticize elected officials for fear of being sued if something they said turned out to be inaccurate.

Nixon v. Fitzgerald (1982)

Decision: The Court ruled that a President or former President is entitled to absolute immunity from liability based on his official acts. The President must be able to act forcefully and independently, without fear of liability. Diverting the President’s energies with concerns about private lawsuits could impair the effective functioning of government. The President’s absolute immunity extends to all acts within the “outer perimeter” of his duties of office, since otherwise he would be required to litigate over the nature of the acts and the scope of his duties in each case. The remedy of impeachment, the vigilant scrutiny of the press, the Congress, and the public, and presidential desire to earn reelection and concern with historical legacy all protect against presidential wrongdoing.

Nixon v. Shrink Missouri Government PAC (2000)

Decision: In *Buckley v. Valeo*, 1976, the Supreme Court had upheld a \$1000 limit on contributions by individuals to candidates for federal office. In *Nixon v. Shrink Missouri Government PAC*, the Court concluded that large contributions will sometimes create actual corruption, and that voters will be suspicious of the fairness of a political process that allows wealthy donors to contribute large amounts. The Court concluded that the Missouri contribution limits

were appropriate to correct this problem and did not impair the ability of candidates to communicate their messages to the voters and to mount an effective campaign.

Olmstead v. United States (1928)

(4th Amendment, electronic surveillance) Olmstead was engaged in the illegal sale of alcohol. Much of the evidence against him was gained through a wiretap made without a warrant. Olmstead argued that he had “a reasonable expectation of privacy,” and that the *Weeks v. United States* decision of 1914 should be applied to exclude the evidence gained by the wiretap. The Court disagreed, saying that Olmstead intended “to project his voice to those quite outside . . . and that . . . nothing tangible was taken.” Reversed by subsequent decisions, this case contains the first usage of the concept of “reasonable expectation of privacy” that would mark later 4th Amendment decisions.

Oregon v. Mitchell (1970)

Decision: The Supreme Court was unable to issue a single opinion of the Court supported by a majority of the justices. However, in a series of separate opinions, differing majority groups agreed that (1) the 18-year-old minimum-age requirement of the Voting Rights Act Amendments is valid for national elections but not for State and local elections; (2) the literacy test provision is valid in order to remedy discrimination against minorities; and (3) the residency and absentee balloting provisions are a valid congressional regulation of presidential elections.

Plessy v. Ferguson (1896)

(14th Amendment, Equal Protection Clause) A Louisiana law required separate seating for white and African American citizens on public railroads, a form of segregation. Homer Plessy argued that his right to “equal protection of the laws” was violated. The Court held that segregation was permitted if facilities were equal. The Court interpreted the 14th Amendment as “not intended to give Negroes social equality but only political and civil equality. . . .” The Louisiana law was seen as a “reasonable exercise of (State) police power. . . .” Segregated public facilities were permitted until *Plessy* was overturned by the *Brown v. Board of Education* case of 1954.

Powell v. Alabama (1932)

(6th Amendment, right to counsel) The case involved the “Scottsboro boys,” seven African American men accused of sexual assault. This case was a landmark in the development of a “fundamentals of fairness” doctrine of the Court over the next 40 years. The Scottsboro boys were quickly prosecuted without the benefit of counsel and sentenced to death. The Court overturned the decision, stating that poor people facing the death penalty in State courts must be provided counsel, and commenting, “. . . there are certain principles of Justice which adhere to the very idea of

free government, which no [State] may disregard.” The case was another step toward incorporation of the Bill of Rights into State constitutions.

Printz v. United States (1997)

Decision: The Court ruled that the Brady Act’s interim provision requiring certain State or local law enforcement agents to perform background checks on prospective handgun purchasers was unconstitutional. Although no provision of the Constitution deals explicitly with federal authority to compel State officials to execute federal law, a review of the Constitution’s structure and of prior Supreme Court decisions leads to the conclusion that Congress does not have this power.

Reno v. American Civil Liberties Union (1997)

Decision: The Supreme Court unanimously ruled that the anti-obscenity provisions of the Communications Decency Act (CDA) abridged the freedom of speech protected under the First Amendment. Those parts of the CDA were intended to keep minors from “patently offensive” or “indecent” communications on the Internet. While the Court recognized the importance of Congress’s goal of protecting children, it concluded that the terms “patently offensive” and “indecent” were too vague to be enforceable, especially since information on the Internet is easily transmitted to many different parts of the country where community standards of decency may vary. The decision suggested that the Court saw the Internet as more like books or newspapers, which have high First Amendment protection, rather than like radio and television, where content can be more closely regulated by the government.

Reno v. Condon (2000)

Decision: The Court upheld the federal law that forbids States from selling addresses, telephone numbers, and other information that drivers put on license applications. They agreed with the Federal Government that information, including motor vehicle license information, is an “article of commerce” in the interstate stream of business and therefore is subject to regulation by Congress. The Court emphasized that the statute did not impose on the States any obligation to pass particular laws or policies and thus did not interfere with the States’ sovereign functions.

Republican Party of Minnesota v. White (2002)

Decision: The Supreme Court decided that the State prohibition on “announcing” a judicial candidate’s views violates the 1st Amendment. It unduly restricts the candidates’ rights of free speech without adequately furthering the expressed goal of improving judicial impartiality and the appearance of impartiality. The government may not restrict speech based on its content, as this rule does. In addition, the government may not restrict speech about candidates’ qualifications for office, which the rule also does. In addition, the rule is not well designed to preserve impartiality,

since it has no effect on the candidate’s beliefs. Finally, the lack of any longstanding tradition of such a rule shows there is no historical presumption of constitutionality.

Roe v. Wade (1973)

(9th Amendment, right to privacy) A Texas woman challenged a State law forbidding the artificial termination of a pregnancy, saying that she “had a fundamental right to privacy.” The Court upheld a woman’s right to choose in this case, noting that the State’s “important and legitimate interest in protecting the potentiality of human life” became “compelling” at the end of the first trimester, and that before then, “. . . the attending physician, in consultation with his patient, is free to determine, without regulation by the State, that . . . the patient’s pregnancy should be terminated.” The decision struck down the State regulation of abortion in the first three months of pregnancy and was modified by *Planned Parenthood of Southeastern PA v. Casey*, 1992.

Rostker v. Goldberg (1981)

Decision: The Court ruled that women did not have to be included in the draft registration. The purpose of having draft registration was to prepare for the actual draft of combat troops if they should be needed. Since Congress and the President had both consistently decided not to use women in combat positions, it was not necessary for women to register either. The Court also noted that the role of women in the armed services had been debated extensively in the Congress, and concluded that the legislature had reached a thoughtful, reasoned conclusion on this issue.

Roth v. United States (1951)

(1st Amendment, freedom of the press) A New York man named Roth operated a business that used the mail to invite people to buy materials considered obscene by postal inspectors. The Court, in its first consideration of censorship of obscenity, created the “prevailing community standards” rule, which required a consideration of the work as a whole. In its decision, the Court defined as obscene that which offended “the average person, applying contemporary community standards.” In a case decided the same day, the Court applied the same “test” to State obscenity laws.

Rush Prudential HMO, Inc. v. Moran (2002)

Decision: The Supreme Court decided that ERISA does not preempt the Illinois medical-review statute. The statute regulates insurance, which is one of the functions HMOs perform. Although HMOs provide healthcare as well as insurance, the statute does not require choosing a single or primary function of an HMO. Congress has long recognized that HMOs are risk-bearing organizations subject to state regulation. Finally, allowing States to regulate the insurance aspects of HMOs will not interfere with the desire of Congress for uniform national standards under ERISA.

Schenck v. United States (1919)

(1st Amendment, freedom of speech) Charles Schenck was an officer of an antiwar political group who was arrested for alleged violations of the Espionage Act of 1917, which made active opposition to the war a crime. He had urged thousands of young men called to service by the draft act to resist and to avoid induction. The Court limited free speech in time of war, stating that Schenck's words, under the circumstances, presented a "clear and present danger. . . ." Although later decisions modified the decision, the *Schenck* case created a precedent that 1st Amendment guarantees were not absolute.

School District of Abington Township, Pennsylvania v. Schempp (1963)

(1st Amendment, Establishment Clause) A Pennsylvania State law required reading from the Bible each day at school as an all-school activity. Some parents objected and sought legal remedy. When the case reached the Court, the Court agreed with the parents, saying that the Establishment Clause and Free Exercise Clause both forbade States from engaging in religious activity. The Court created a rule holding that if the purpose and effect of a law "is the advancement or inhibition of religion," it "exceeds the scope of legal power."

Shelley v. Kraemer (1948)

Decision: The Court ruled that "in granting judicial enforcement of the restrictive agreements . . . the States have denied petitioners the equal protection of the laws. . . ." No individual has the right under the Constitution to demand that a State take action that would result in the denial of equal protection to other individuals. The Court rejected the respondents' argument that, since State courts would also enforce restrictive covenants against white owners, enforcement of covenants against black owners did not constitute a denial of equal protection. "Equal protection of the laws is not achieved through indiscriminate imposition of inequalities."

Sheppard v. Maxwell (1966)

(14th Amendment, Due Process Clause) Dr. Samuel Sheppard was convicted of murdering his wife in a trial widely covered by national news media. Sheppard appealed his conviction, claiming that the pretrial publicity had made it impossible to get a fair trial. The Court rejected the arguments about "press freedom," overturned his conviction, and ordered a new trial. As a result of the *Sheppard* decision, some judges have issued "gag" orders limiting pretrial publicity.

Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency (2002)

Decision: The 32-month moratorium imposed by the Tahoe Regional Planning Agency on development in the

Lake Tahoe Basin between Nevada and California is not a taking of property for which compensation is required. It is impossible in the abstract to say how long a restriction would be permissible. Although 32 months is a long moratorium, it is not unreasonable in this case and does not restrict the property owners' economic use of their property sufficiently to amount to a taking for which compensation must be paid.

Tennessee Valley Authority v. Hill (1978)

(Article I, Section 8, Necessary and Proper Clause) In 1975 the secretary of the interior found that the Tennessee Valley Authority's work on the Tellico Dam would destroy the endangered snail darter's habitat in violation of the Endangered Species Act of 1975. When the TVA refused to stop work on the project, local residents sued and won an injunction against completion of the dam from the federal court of appeals. The TVA appealed, arguing that the project should be completed since it had already been underway when the Endangered Species Act had passed and, with full knowledge of the circumstances of the endangered fish, Congress had continued to appropriate money for the dam in every year since the Act's passage. However, the Supreme Court found the injunction against the TVA's completion of the dam to be proper, stating "examination of the language, history, and structure of the legislation . . . indicates beyond doubt that Congress intended endangered species to be afforded the highest of priorities."

Texas v. White (1869)

Decision: The Court held, in a 5–3 decision, that Texas had the right to bring suit as a "State" in the Supreme Court, even though it had claimed to secede from the United States in 1862. Writing after the end of the Civil War, with military rule imposed in Texas under the Reconstruction Acts of 1867, the majority concluded that the United States was "an indestructible Union, composed of indestructible States," so that Texas had never actually left the Union.

Tinker v. Des Moines School District (1969)

Decision: The Court upheld the students' First Amendment rights. Because students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," schools must show a possibility of "substantial disruption" before free speech can be limited at school. Students may express personal opinions as long as they do not materially disrupt classwork, create substantial disorder, or interfere with the rights of others. In this case, the wearing of black armbands was a "silent, passive expression of opinion" without these side effects and thus constitutionally could not be prohibited by the school.

U.S. Term Limits, Inc. v. Thornton (1995)

Decision: The Arkansas amendment preventing any person who had already served three terms as U.S. representative or two terms as U.S. senator from being listed on the

ballot violates Article I, Section 2, Clause 2 and Section 3, Clause 3 of the Federal Constitution. The Arkansas law in effect established term limits for members of Congress, but the Constitution is the sole source of qualifications for membership. Such limits can only be set by an amendment to the Federal Constitution.

United States v. American Library Association (2003)

Decision: Requiring public libraries to install filters to block obscene or pornographic Internet sites as a condition for obtaining federal funds for Internet access does not violate the 1st Amendment. Congress's substantial interest in protecting children from harmful materials justifies the minimal interference with free speech caused when library users are forced to request access to a specific site.

United States v. Amistad (1841)

In 1839 two Spaniards purchased a group of kidnapped Africans and put them aboard the schooner *Amistad* for a journey from Cuba to Principe. The Africans overpowered the ship's crew, killing two men, and ordered the Spaniards to steer towards Africa. The crew steered instead toward the United States coast, where the U.S. brig *Washington* seized the ship, freeing the Spaniards and imprisoning the Africans. A series of petitions to the courts ensued, in which the Spaniards claimed the Africans as their property, and the Americans who had seized the ship claimed a share of the cargo, including the Africans, as their lawful salvage. The Court, however, declared that the Africans were not property and issued a decree that the unlawfully kidnapped Africans "be and are hereby declared to be free."

United States v. Eichman (1990)

Decision: The Court agreed with the trial courts' rulings that the Flag Protection Act violated the 1st Amendment. Flag-burning constitutes expressive conduct, and thus is entitled to constitutional protection. The Act prevents protesters from using the flag to express their opposition to governmental policies and activities. Although the protesters' ideas may be offensive or disagreeable to many people, the government may not prohibit them from expressing those ideas.

United States v. General Dynamics Corp. (1974)

A deep-mining coal producer, General Dynamics Corp., acquired control of a strip-mining coal producer, United Electric Coal Companies. The Government filed suit against the company, claiming that the acquisition violated the Clayton Act by limiting competition in coal sales and production. The Court rejected the Government's argument, finding that, although the acquisition may have increased concentration of ownership, it did not threaten to substantially lessen competition and was therefore not in violation of the Clayton Act.

United States v. Leon (1984)

(4th Amendment, exclusionary rule) Police in Burbank, California, gathered evidence in a drug-trafficking investigation using a search warrant issued by a State court judge. Later a District Court found that the warrant had been improperly issued and granted a motion to suppress the evidence gathered under the warrant. The Government appealed the decision, claiming that the exclusionary rule should not apply in cases where law enforcement officers acted in good faith, believing the warrant to be valid. The Court agreed and established the "good-faith exception" to the exclusionary rule, finding that the rule should not be applied to bar evidence "obtained by officers acting in reasonable reliance on a search warrant issued by a detached and neutral magistrate but ultimately found to be invalid."

United States v. Lopez (1990)

(Article I, Section 8, Commerce Clause) Alfonzo Lopez, a Texas high school student, was convicted of carrying a weapon in a school zone under the Gun-Free School Zones Act of 1990. He appealed his conviction on the basis that the Act, which forbids "any individual knowingly to possess a firearm at a place that [he] knows . . . is a school zone," exceeded Congress's legislative power under the Commerce Clause. The Court agreed that the Act was unconstitutional, stating that to uphold the legislation would "bid fair to convert congressional Commerce Clause authority to a general police power of the sort held only by the States."

United States v. Nixon (1974)

(Separation of powers) During the investigation of the Watergate scandal, in which members of President Nixon's administration were accused of participating in various illegal activities, a special prosecutor subpoenaed tapes of conversations between Nixon and his advisors. Nixon refused to release the tapes but was overruled by the Court, which ordered him to surrender the tapes, rejecting his arguments that they were protected by "executive privilege." The President's "generalized interest in confidentiality" was subordinate to "the fundamental demands of due process of law in the fair administration of criminal justice."

Wallace v. Jaffree (1985)

(1st Amendment, Establishment Clause) An Alabama law authorized a one-minute period of silence in all public schools "for meditation or voluntary prayer." A group of parents, including Jaffree, challenged the constitutionality of the statute, claiming it violated the Establishment Clause of the 1st Amendment. The Court agreed with Jaffree and struck down the Alabama law, determining that "the State's endorsement . . . of prayer activities at the beginning of each schoolday is not consistent with the established principle that the government must pursue a course of complete neutrality toward religion."

Walz v. Tax Commission of the City of New York (1970)

(1st Amendment, Establishment Clause) State and local governments routinely exempt church property from taxes. Walz claimed that such exemptions were a “support of religion,” a subsidy by government. The Court disagreed, noting that such exemptions were just an example of a “benevolent neutrality” between government and churches, not a support of religion. Governments must avoid taxing churches because taxation would give government a “control” over religion, prohibited by the “wall of separation of church and state” noted in *Everson v. Board of Education*, 1947.

Watchtower Bible & Tract Society v. Village of Stratton (2001)

Decision: The Court ruled the Village’s ordinance requiring canvassers to get a permit to be unconstitutional. Although a municipality may have a legitimate interest in regulating door-to-door solicitation, there must be a balance between furthering that interest and restricting 1st Amendment rights. The ordinance restricts religious or political speech, and thus needs strong justification to be valid. Because the ordinance is not restricted to commercial activities, it is broader than necessary to protect fraud. Residents have other ways to protect their privacy—they can post “no solicitation” signs or refuse to talk with unwelcome visitors. Finally, the 1st Amendment protects the right to anonymous expressions of religious or political belief.

Watkins v. United States (1957)

Decision: The Court held that Watkins was not given a fair opportunity to determine whether he was within his rights in refusing to answer the Committee’s questions. Congress has no authority to expose the private affairs of individuals unless justified by a specific function of Congress. Congress’s investigative powers are broad but not unlimited, and must not infringe on 1st Amendment rights of speech, political belief, or association. When witnesses are forced by subpoena to testify, the subject of Congressional inquiry must be articulated in the Committee’s charter or explained at the time of testimony if 1st Amendment rights are in jeopardy.

West Virginia Board of Education v. Barnette (1943)

(1st Amendment, freedom of religion) During World War II the West Virginia Board of Education required all students to take part in a daily flag-saluting ceremony or else face expulsion. Jehovah’s Witnesses objected to the compulsory salute, which they felt would force them to break their religion’s doctrine against the worship of any “graven image.” The Court struck down the rule, agreeing that a compulsory flag salute violated the 1st Amendment’s exercise of religion clause and stating that “No official, high

or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion. . . .”

Board of Education of Westside Community Schools v. Mergens (1990)

(1st Amendment, Establishment Clause) A request by Bridget Mergens to form a student Christian religious group at school was denied by an Omaha high school principal. Mergens took legal action, claiming that a 1984 federal law required “equal access” for student religious groups. The Court ordered the school to permit the club, stating, “a high school does not have to permit any extracurricular activities, but when it does, the school is bound by the . . . [Equal Access] Act of 1984. Allowing students to meet on campus and discuss religion is constitutional because it does not amount to ‘State sponsorship of a religion.’”

Wisconsin v. Yoder (1972)

(1st Amendment, Free Exercise Clause) Members of the Amish religious sect in Wisconsin objected to sending their children to public schools after the eighth grade, claiming that such exposure of the children to another culture would endanger the group’s self-sufficient agrarian lifestyle essential to their religious faith. The Court agreed with the Amish, while noting that the Court must move carefully to weigh the State’s “legitimate social concern when faced with religious claim for exemption from generally applicable educational requirements.”

English and Spanish Glossary

A

Absentee voting provisions made for those unable to get to their regular polling places on election day (p. 195)
Voto en ausencia medidas para que voten, el día de las elecciones, aquellas personas que no puedan hacerlo en su lugar habitual de votación
Acquit find not guilty of a charge (p. 319)
Absolver determinar que alguien no es culpable de un delito
Act of admission congressional act admitting a new State to the Union (p. 106)
Decreto de admisión ley del Congreso mediante la cual se admite a un nuevo estado dentro de la Unión
Adjourn suspend, as in a session of Congress (p. 271)
Aplazamiento suspender, por ejemplo, una sesión del Congreso
Administration the officials in the executive branch of a government and their policies and principles (p. 428)
Administración funcionarios del poder ejecutivo de un gobierno, así como sus políticas y sus directores
Affirmative action a policy that requires most employers take positive steps to remedy the effects of past discriminations (p. 609)
Acción afirmativa política que exige que la mayoría de los empleados lleven a cabo ciertas acciones para remediar los efectos de la discriminaciones en el pasado
Albany Plan of Union plan proposed by Benjamin Franklin in 1754 that aimed to unite the 13 colonies for trade, military, and other purposes; the plan was turned down by the colonies and the Crown (p. 37)
Plan de Unión Albany proyecto propuesto por Benjamín Franklin en 1754 cuyo objetivo era unir a las 13 colonias en cuanto a asuntos comerciales, militares, así como para otros propósitos; las colonias y la Corona rechazaron el plan
Alien foreign-born resident, or noncitizen (pp. 156, 548, 634)
Extranjero persona residente nacida en otro país o que no se ha nacionalizado
Ambassador an official representative of the United States appointed by the President to represent the nation in matters of diplomacy (p. 485)
Embajador funcionario oficial designado por el Presidente para representar a la nación en asuntos diplomáticos
Amendment a change in, or addition to, a constitution or law (p. 78)
Enmienda cambio o adición a la Constitución o las leyes
Amnesty a blanket pardon offered to a group of law violators (p. 420)
Amnistía perdón general que se ofrece a un grupo de personas que han violado la ley
Anti-Federalists those persons who opposed the ratification of the Constitution in 1787–1788 (p. 59)
Anti-federalistas aquellas personas que se opusieron a la ratificación de la Constitución de 1787 a 1788
Appellate jurisdiction the authority of a court to review decisions of inferior (lower) courts; *see* original jurisdiction (pp. 523, 734)
Tribunal de apelación autoridad de una corte para revisar decisiones de cortes inferiores; *ver* original jurisdiction/jurisdicción original

Apportion distribute, as in seats in a legislative body (p. 273)
Prorrateo distribuir, como los escaños de un cuerpo legislativo
Appropriate assign to a particular use (p. 316)
Asignar destinar a un uso particular
Articles of Confederation plan of government adopted by the Continental Congress after the American Revolution; established “a firm league of friendship” among the States, but allowed few important powers to the central government (p. 48)
Artículos de la Confederación plan de gobierno adoptado por el Congreso Continental, después de la Independencia de los Estados Unidos; se enunciaron como “un vínculo firme de amistad” entre los estados, pero le delegaron pocos poderes importantes al gobierno central
Assemble to gather with one another in order to express views on public matters (p. 569)
Congregar reunirse con otras personas para expresar puntos de vista sobre asuntos públicos
Assessment the process of determining the value of property to be taxed (p. 764)
Valuación proceso para determinar el valor de una propiedad que será gravada
Assimilation the process by which people of one culture merge into, and become part of, another culture (p. 615)
Asimilación proceso mediante el cual las personas de una cultura se integran en otra cultura y se convierten en parte de ella
At-large election election of an officeholder by the voters of an entire governmental unit (e.g. a State or country) rather than by the voters of a district or subdivision (p. 275)
Elección general elección de un funcionario público por los votantes de una unidad gubernamental completa (por ejemplo, un estado o país), en vez de por los votantes de un distrito o subdivisión
Attorney General the head of the Department of Justice (p. 435)
Procurador general funcionario más alto del Departamento de Justicia
Autocracy a form of government in which a single person holds unlimited political power (p. 14)
Autocracia forma de gobierno en la que una sola persona tiene un poder político ilimitado

B

Bail a sum of money that the accused may be required to post (deposit with the court) as a guarantee that he or she will appear in court at the proper time (p. 602)
Fianza suma de dinero que se exige que el acusado pague (en la corte) como garantía de que se presentará en dicha corte en el momento apropiado
Balance the ticket when a presidential candidate chooses a running mate who can strengthen his chance of being elected by virtue of certain ideological, geographic, racial, ethnic, gender, or other characteristics (p. 373)
Designar al compañero de fórmula acción que ejerce un candidato presidencial cuando elige al candidato a la vicepresidencia que refuerza sus oportunidades de ganar las elec-

ciones, gracias a sus características ideológicas, geográficas, raciales, étnicas, de género, u otras virtudes

Ballot the device voters use to register a choice in an election (p. 196)

Papeleta electoral medio que los votantes utilizan para indicar su preferencia en una elección

Ballot fatigue the phenomenon by which voters cast fewer votes for offices listed toward the bottom of the ballot (p. 171)

Fatiga al votar fenómeno que se presenta cuando los votantes marcan menos casillas hacia el final de la papeleta electoral

Bankruptcy the legal proceeding by which a bankrupt person's assets are distributed among those to whom he or she owes debts (p. 302)

Bancarrota procedimiento legal mediante el cual los bienes de una persona se distribuyen entre las personas con las que tiene deudas

Battleground States States in which the outcome of an election is too close to call and either candidate could win (p. 387)

Estados reñidos estados donde los resultados de las elecciones indican que cualquier candidato podría ser el ganador

Bench trial a trial in which the judge alone hears the case (pp. 597, 730)

Juicio ante judicatura proceso en el cual sólo el juez escucha el caso

Bicameral an adjective describing a legislative body composed of two chambers (pp. 33, 268)

Bicameral adjetivo que describe un cuerpo legislativo formado por dos cámaras

Bill a proposed law presented to a legislative body for consideration (pp. 287, 343)

Proyecto de ley ley propuesta que se presenta ante un cuerpo legislativo para su consideración

Bill of Attainder a legislative act that inflicts punishment without a court trial (p. 593)

Escrito de proscripción y confiscación acto legislativo que inflige un castigo sin que haya un juicio ante un jurado

Bill of Rights the first ten amendments to the Constitution (pp. 82, 547)

Declaración de derechos las primeras diez enmiendas a la Constitución

Bipartisan supported by two parties (p. 127)

Bipartidista apoyado por dos partidos

Blanket primary a voting process in which voters receive a long ballot containing the names of all contenders, regardless of party, and can vote however they choose (p. 188)

Elecciones primarias generales proceso de elección en el que los votantes reciben una papeleta electoral grande que contiene los nombres de todos los candidatos, independientemente del partido, y en el cual pueden elegir como lo deseen

Block grant one type of federal grants-in-aid for some particular but broadly defined area of public policy; *see* grants-in-aid (p. 109)

Subsidio en conjunto tipo de subsidio público federal que se ofrece para una área particular pero ampliamente definida; *ver* grants-in-aid program/programa de subvención de fondos públicos

Briefs detailed written statements filed with the Court before oral arguments are presented (p. 535)

Alegato reseña detallada presentada ante la Corte antes de dar un argumento oral

Budget a financial plan for the use of money, personnel, and property (p. 766)

Presupuesto plan financiero para el uso del dinero, el personal y la propiedad

Bureaucracy a large, complex administrative structure that handles the everyday business of an organization (p. 426)

Burocracia estructura administrativa grande y compleja que gobierna los negocios cotidianos de una organización

Bureaucrat a person who works for a bureaucratic organization; *see* bureaucracy (p. 426)

Burócrata persona que trabaja en una organización burocrática; *ver* bureaucracy/burocracia

C

Cabinet presidential advisory body, traditionally made up of the heads of the executive departments and other officers (p. 87)

Gabinete cuerpo consultivo del Presidente que tradicionalmente está formado por los funcionarios más altos de los departamentos ejecutivos y otros funcionarios

Capital all the human-made resources that are used to produce goods and services (p. 678)

Capital todos los recursos creados por el hombre que se utilizan para producir bienes y servicios

Capital punishment the death penalty (p. 604)

Pena capital la pena de muerte

Capitalism economic system in which individuals are free to own the means of production and maximize profits (p. 678)

Capitalismo sistema económico en el que individuos tienen la libertad de poseer los medios de producción y de aumentar sus ganancias

Categorical grant one type of federal grants-in-aid; made for some specific, closely defined, purpose; *see* grants-in-aid (p. 108)

Subsidio categórico tipo de subsidio público federal; proporcionado para algún propósito específico y rigurosamente definido; *ver* grants-in-aid program/programa de subvención de fondos públicos

Caucus as a nominating device, a group of like-minded people who meet to select the candidates they will support in an upcoming election (pp. 185, 380)

Junta de dirigentes en función de instrumento nominativo, grupo de personas que comparten la misma ideología y que se reúnen para seleccionar a los candidatos que apoyarán en una elección

Censure issue a formal condemnation (p. 320)

Amonestación emisión de una condena formal

Certificate a method of putting a case before the Supreme Court; used when a lower court is not clear about the procedure or rule of law that should apply in a case and asks the Supreme Court to certify the answer to a specific question (p. 534)

Certificación método de remitir un caso a la Corte Suprema; se utiliza cuando una corte inferior no está segura de qué procedimiento o regla deberá aplicar en un caso y consulta a la Corte Suprema para que certifique una respuesta a una pregunta específica

Charter a city's basic law, its constitution; a written grant of authority from the king (pp. 33, 750)

Carta constitucional ley básica de una ciudad, su constitución; concesión de autoridad escrita otorgada por el rey

Checks and balances system of overlapping the powers of the

legislative, executive, and judicial branches to permit each branch to check the actions of the others; see separation of powers (p. 72)

Sistema de frenos y contrapesos sistema de equilibrio de poderes mecanismo mediante el cual se traslapa la autoridad del poder legislativo, el poder ejecutivo y el poder judicial para permitir que cada poder verifique las acciones de los otros dos; ver separation of powers/separación de poderes

Chief administrator term for the President as head of the administration of the Federal Government (p. 365)

Administrador en jefe nombre que se le da al Presidente por ser el jefe de la administración del gobierno federal

Chief citizen term for the President as the representative of the people, working for the public interest (p. 365)

Primer ciudadano nombre que se le da al Presidente por ser representante del pueblo y trabajar por el interés público

Chief diplomat term for the President as the main architect of foreign policy and spokesperson to other countries (p. 365)

Diplomático titular nombre que se le da al Presidente por ser el arquitecto principal de la política exterior y un vocero ante otros países

Chief executive term for the President as vested with the executive power of the United States (p. 364)

Primer mandatario nombre que se le da al Presidente porque está investido con el poder ejecutivo de los Estados Unidos

Chief legislator term for the President as architect of public policy and the one who sets the agenda for Congress (p. 365)

Legislador en jefe nombre que se le da al Presidente por ser arquitecto de la política pública y por ser la persona que determina la agenda del Congreso

Chief of party term for the President as the leader of his or her political party (p. 365)

Jefe del partido nombre que se le da al Presidente por ser el líder de su partido político

Chief of state term for the President as the ceremonial head of the United States, the symbol of all the people of the nation (p. 364)

Jefe de estado nombre que se le da al Presidente por ser el funcionario ceremonial de los Estados Unidos, el símbolo de toda la gente de la nación

Citizen a member of a state or nation who owes allegiance to it by birth or naturalization and is entitled to full civil rights (pp. 23, 632)

Ciudadano miembro de un estado o nación, que se beneficia de todos los derechos civiles y que le debe lealtad a ese estado o nación por nacimiento o naturalización

Civil case a case involving a noncriminal matter such as a contract dispute or a claim of patent infringement (p. 529)

Caso civil caso relacionado con un asunto no criminal, como un litigio por contrato o una demanda por violación de patentes

Civil disobedience a form of protest in which people deliberately but non-violently violate the law, as a means of expressing their opposition to some particular law or public policy (p. 569)

Resistencia pasiva forma de protesta en la cual las personas violan la ley de una manera no violenta, como método para expresar su oposición a una ley o política pública en particular

Civil law the portion of the law relating to human conduct, to disputes between private parties, and to disputes between private parties and government not covered by criminal law (p. 728)

Ley civil área de la ley que se relaciona con la conducta humana, con litigios entre partes privadas, así como entre partes privadas y el gobierno, que no están cubiertos bajo la ley penal

Civil liberties the guarantees of the safety of persons, opinions, and property from the arbitrary acts of government, including freedom of speech and freedom of religion (p. 547)

Libertades civiles garantías que protegen la seguridad, las opiniones y la propiedad de las personas de actos arbitrarios del gobierno; entre ellas están la libertad de expresión y libertad de religión

Civil rights a term used for those positive acts of government that seek to make constitutional guarantees a reality for all people, e.g., prohibitions of discrimination (p. 547)

Derechos civiles término que designa actos positivos del gobierno con el objetivo de hacer realidad las garantías constitucionales para todo el pueblo, por ejemplo la prohibición de la discriminación

Civil service those civilian employees who perform the administrative work of government (p. 443)

Servicio civil grupo de empleados civiles que desempeñan el trabajo administrativo del gobierno

Civilian nonmilitary (p. 435)

Civil que no es militar

Civilian tribunal a court operating as part of the judicial branch, entirely separate from the military establishment (p. 539)

Tribunal civil corte que actúa como parte del poder judicial y que está separado por completo de la institución militar

Clemency mercy or leniency granted to an offender by a chief executive; see pardon and reprieve (pp. 419, 724)

Clemencia misericordia o piedad que dispensa el Presidente a un delincuente; ver pardon/perdón y reprieve/suspensión de la ejecución/suspensión de la pena

Closed primary a party nominating election in which only declared party members can vote (p. 188)

Elección primaria cerrada elecciones para una nominación de un partido en la que sólo los miembros declarados del partido pueden votar

Cloture procedure that may be used to limit or end floor debate in a legislative body (p. 353)

Limitación del debate procedimiento que puede utilizarse para restringir o terminar un debate verbal de un cuerpo legislativo

Coalition a temporary alliance of several groups who come together to form a working majority and so to control a government (pp. 128, 667)

Coalición alianza temporal de varios grupos que se juntan para alcanzar el poder mayoritario y controlar el gobierno

Coattail effect the effect of a strong candidate running for an office at the top of a ballot helping to attract voters to other candidates on the party's ticket (p. 195)

Efecto de refilón efecto que produce la presencia de un candidato fuerte en la parte superior de una papeleta electoral y que ayuda a atraer votantes hacia otros candidatos de su mismo partido

Cold war a period of more than 40 years during which relations between the two superpowers were at least tense, and often hostile. A time of threats and military build up (p. 498)

Guerra Fria periodo de más de 40 años en el que las relaciones entre las dos superpotencias fueron por lo menos tensas, y a menudo hostiles; época de amenazas y de desarrollo militares

Collective security the keeping of international peace and order (p. 498)

Seguridad colectiva conservación de la paz y el orden internacionales

Collectivization collective or state ownership of the means of production (p. 689)

Colectivización hacer colectivos o propiedad del estado los medios de producción

Colonialism the control of one nation over foreign lands (p. 650)

Colonialismo control que tiene una nación sobre tierras extranjeras

Command economy system in which government bureaucrats plan and direct most economic activity (p. 687)

Economía dirigida sistema en el cual los burócratas del gobierno planean y dirigen la mayor parte de la actividad económica

Commander in chief term for the President as commander of the nation's armed forces (p. 364)

Comandante en jefe nombre que se le da al Presidente por ser el comandante de las Fuerzas Armadas de la nación

Commerce and Slave Trade Compromise an agreement during the Constitutional Convention protecting slave holders; denied Congress the power to tax the export of goods from any State, and, for 20 years, the power to act on the slave trade (p. 56)

Avenencia de comercio y trata de esclavos acuerdo durante la Convención Constitucional que protegió los intereses de los dueños de esclavos, al negarle al Congreso el poder de gravar la exportación de bienes desde cualquier estado y el poder de actuar, durante 20 años, en contra de la trata de esclavos

Commerce power exclusive power of Congress to regulate interstate and foreign trade (p. 297)

Poder mercantil poder exclusivo que tiene el Congreso para regular el comercio interestatal e internacional

Commission government a government formed by commissioners, heads of different departments of city government, who are popularly elected to form the city council and thus center both legislative and executive powers in one body (p. 751)

Junta municipal gobierno formado por comisionados, funcionarios altos de distintos departamentos del gobierno de la ciudad, que se eligen por voto popular para formar el Consejo de la ciudad y, por consiguiente, reúnen los poderes legislativos y ejecutivos en un solo cuerpo

Committee chairman member who heads a standing committee in a legislative body (p. 336)

Presidente de comisión miembro que encabeza una comisión permanente en un cuerpo legislativo

Common law an unwritten law made by a judge that has developed over centuries from those generally accepted ideas of right and wrong that have gained judicial recognition (p. 727)

Derecho consuetudinario ley que no ha sido sancionada por un juez y se ha desarrollado a lo largo de los siglos con base en ideas generalmente aceptadas de lo bueno y lo malo que se han ganado un reconocimiento judicial

Communism an ideology which calls for the collective, or state, ownership of land and other productive property (p. 686)

Comunismo ideología que exige la propiedad colectiva, o estatal, de la tierra y de otros medios de producción

Communist Manifesto, The a political document written by Karl Marx and Friedrich Engels that urged workers to free themselves from "capitalist enslavement" (p. 685)

El manifiesto comunista documento político escrito por Karl Marx y Friederich Engels en el cual se urge a los trabajadores a que se liberen de ser esclavizados por el capitalismo

Commutation the power to reduce (commute) the length of a sentence or fine for a crime (pp. 420, 725)

Conmutación poder de reducir (conmutar) la duración de una sentencia o el monto de la multa por haber cometido un crimen

Compromise an adjustment of opposing principles or systems by modifying some aspect of each (p. 22)

Transigencia acuerdo intermedio entre principios o sistemas opuestos, al que se llega mediante la modificación de algún aspecto de cada uno de ellos

Concurrent jurisdiction power shared by federal and State courts to hear certain cases (p. 522)

Jurisdicción coincidente poder compartido por cortes federales y estatales para atender ciertos casos

Concurrent powers those powers that both the National Government and the States possess and exercise (p. 100)

Poderes concurrentes aquellos poderes que el gobierno nacional y los estados poseen y ejercen

Concurrent resolution a statement of position on an issue used by the House and Senate acting jointly; does not have the force of law and does not require the President's signature (p. 344)

Resolución conjunta enunciado de una posición sobre un asunto utilizado por la Cámara de Representantes y el Senado al actuar conjuntamente; no tiene el poder de la ley y no requiere la firma del Presidente

Concurring opinion written explanation of the views of one or more judges who support a decision reached by a majority of the court, but wish to add or emphasize a point that was not made in the majority decision (p. 537)

Opinion coincidente explicación escrita de los puntos de vista de uno o más jueces quienes apoyan una decisión alcanzada por una mayoría en la corte, pero desean añadir o recalcar un punto que no se remarcó en la decisión mayoritaria

Confederation a joining of several groups for a common purpose (pp. 16, 37)

Confederación unión de diversos grupos para un propósito común

Conference committee temporary joint committee created to reconcile any differences between the two houses' versions of a bill (p. 342)

Comité de Consulta comité conjunto temporal formado para reconciliar cualquier diferencia entre las versiones de un proyecto de ley propuesto por las dos cámaras legislativas

Connecticut Compromise agreement during the Constitutional Convention that Congress should be composed of a Senate, in which States would be represented equally, and a House, in which representation would be based on a State's population (p. 56)

Acuerdo de Connecticut acuerdo alcanzado durante la Convención Constitucional que estableció que el Congreso debería estar integrado por un Senado donde cada estado estuviera representado de manera equitativa, y una Cámara de Representantes en la que la representación estuviera basada en la población de cada estado

Consensus general agreement among various groups on fun-

damental matters; broad agreement on public questions (pp. 127, 314)

Consenso acuerdo general entre diversos grupos sobre temas fundamentales; acuerdo amplio sobre temas varios

Constituency the people and interests that an elected official represents (p. 283)

Circunscripción electoral las personas e intereses que un funcionario elegido representa

Constituent power the non-legislative power of Constitution-making and the constitutional amendment process (p. 717)

Poder constituyente poder no legislativo de la elaboración de la Constitución y del proceso de enmiendas constitucionales

Constitution the body of fundamental laws setting out the principles, structures, and processes of a government (p. 5)

Constitución cuerpo de leyes fundamentales que definen los principios, las estructuras y los procesos de gobierno

Constitutionalism basic principle that government and those who govern must obey the law; the rule of law; *see* limited government (p. 70)

Constitucionalismo principio básico que establece que el gobierno y los gobernantes deben obedecer la ley; el gobierno de la ley; *ver* limited government/gobierno limitado

Content neutral the government may not regulate assemblies on the basis on what might be said (p. 570)

Voto neutral el gobierno no regulará a las asambleas en lo concerniente a lo que se expresará en ellas

Continuing resolution a measure that allows agencies to continue working based on the previous year's appropriations (p. 471)

Resolución ininterrumpida medida que permite que las agencias continúen funcionando sobre la base de las asignaciones del año anterior

Continuous body governing unit (e.g. the United States Senate) whose seats are never all up for election at the same time (p. 283)

Cuerpo legislativo ininterrumpido unidad gubernamental (por ejemplo, el Senado de los Estados Unidos) cuya totalidad de escaños nunca se elige al mismo tiempo

Contract a legally binding agreement in which one party agrees to do something with or for another party (p. 728)

Contrato acuerdo legal mediante el cual una parte se compromete a hacer algo con o por la otra parte

Controllable spending an amount decided upon by Congress and the President to determine how much will be spent each year on many individual government expenditures, including environment protection programs, aid to education, and so on (p. 468)

Gasto controlable cantidad de dinero determinada por el Congreso y el Presidente, que indica el monto anual de muchos gastos gubernamentales individuales, como programas para protección del ambiente, ayuda a la educación, entre otros

Convene to begin a new session of Congress (p. 271)

Convocar empezar una nueva sesión del Congreso

Copyright the exclusive, legal right of a person to reproduce, publish, and sell his or her own literary, musical, or artistic creations (p. 307)

Derechos de autor derechos legales y exclusivos de una persona para reproducir, publicar y vender su trabajo creativo literario, artístico, o musical

Council-manager government a modification of the mayor-council government, it consists of a strong council of mem-

bers elected on a non-partisan ballot, a weak mayor, elected by the people, and a manager, named by the council; *see* mayor-council government; *see also* weak mayor government (p. 751)

Gobierno de consejo-superintendente modificación del gobierno de consejo-alcalde, que consiste en un vigoroso consejo de miembros elegidos mediante un sufragio no partidista; un alcalde débil, elegido por el pueblo y un superintendente nombrado por el consejo; *ver* mayor-council government/gobierno de consejo-alcalde; *ver* también weak-mayor government/gobierno de alcalde débil

County a major unit of local government in most States (p. 742)

Condado unidad importante de gobierno local en la gran parte de los estados

Court-martial a court composed of military personnel, for the trial of those accused of violating military law (p. 538)

Corte marcial corte integrada por personal militar para juzgar a quienes han sido acusados de violar la ley militar

Criminal case a case in which a defendant is tried for committing a crime as defined by the law (p. 529)

Caso criminal caso en el que se juzga al acusado por cometer un crimen, tal y como éste se define en la ley

Criminal law the portion of the law that defines public wrongs and provides for their punishment (p. 728)

Derecho penal área de la ley que define los agravios públicos y que establece su castigo

Custom duty a tax laid on goods brought into the United States from abroad, also known as tariffs, import duties, or imposts (p. 462)

Derecho de aduana impuesto sobre los bienes traídos a los Estados Unidos desde el exterior, también se conoce como arancel, impuesto sobre importaciones o tasa sobre importaciones

D

De facto segregation segregation even if no law requires it, e.g., housing patterns (p. 621)

Discriminación de facto o de hecho segregación, incluso si la ley no lo exige, por ejemplo en la asignación de vivienda

De jure segregation segregation by law, with legal sanction (p. 621)

Discriminación de jure o de ley segregación con base en la ley, que implica una sanción legal

Defendant in a civil suit, the person against whom a court action is brought by the plaintiff; in a criminal case, the person charged with the crime (p. 523)

Acusado en un juicio civil, es la persona en contra de quien el demandante pide ejecutar una acción judicial; en un caso criminal, es la persona acusada de un crimen

Deficit the yearly shortfall between revenue and spending (p. 463)

Déficit diferencia anual entre los ingresos y los egresos

Deficit financing practice of funding government by borrowing to make up the difference between government spending and revenue (p. 301)

Financiamiento del déficit práctica que consiste en subvencionar al gobierno mediante préstamos, a fin de compensar la diferencia entre los gastos y los ingresos gubernamentales

Deflation a general decrease in prices (p. 474)

Deflación disminución general de los precios

Delegated powers those powers, expressed, implied, or inher-

ent, granted to the National Government by the Constitution (p. 96)

Poderes delegados poderes explícitos, implícitos o inherentes que la Constitución transfiere al gobierno nacional

Delegates representatives; members of Congress who cast votes based on the wishes of their constituents (pp. 37, 287)

Delegados representantes; miembros del Congreso que votan según los deseos de sus constituyentes

Demand-side economics the theory that the higher employment that results from government borrowing will produce higher tax revenues (p. 464)

Economía de demanda teoría que establece que un alza de los empleos debido a préstamos del gobierno producirá un incremento en los ingresos tributarios

Democracy a form of government in which the supreme authority rests with the people (p. 5)

Democracia forma de gobierno en la cual la autoridad suprema reside en el pueblo

Democratic consolidation the process of establishing the factors considered necessary for a democracy to succeed (p. 663)

Consolidación democrática proceso mediante el cual se establecen los factores necesarios para el éxito de una democracia

Democratization the change from dictatorship to democracy, marked by the holding of free and fair elections (p.663)

Democratización cambio de dictadura a democracia mediante elecciones libres y justas

Denaturalization the process through which naturalized citizens may involuntarily lose their citizenship (p. 635)

Desnaturalización proceso mediante el cual los ciudadanos naturalizados pueden perder su ciudadanía de manera involuntaria

Deportation a legal process in which aliens are legally required to leave the United States (p. 637)

Deportación proceso legal mediante el cual se les exige a los extranjeros que abandonen los Estados Unidos

Détente a relaxation of tensions (p. 500)

Relajamiento disminución de las tensiones

Deterrence the policy of making America and its allies so militarily strong that their very strength will discourage, or prevent, any attack (p. 498)

Disuasión política que consiste en convertir a los Estados Unidos y sus aliados en una fuerza militar tan poderosa que su fortaleza desaliente, o prevenga, cualquier ataque

Devolution the delegation of authority from the central government to regional governments (p. 670)

Delegación transferencia de la autoridad del gobierno central a los gobiernos regionales

Dictatorship a form of government in which the leader has absolute power and authority (p. 5)

Dictadura forma de gobierno en la que el líder ejerce poder y autoridad absolutos

Diplomatic immunity when an ambassador is not subject to the laws of the state to which they are accredited (p. 486)

Inmunidad diplomática condición en la que un embajador no está sujeto a las leyes de un estado

Direct popular election proposal to do away with the electoral college and allow the people to vote directly for President and Vice President (p. 393)

Elección popular directa propuesta para abolir el colegio electoral y permitir que la gente elija de manera directa al

Presidente y al Vicepresidente

Direct primary an election held within a party to pick that party's candidates for the general election (p. 188)

Elecciones primarias directas elecciones realizadas dentro de un partido para escoger a los candidatos del partido para las elecciones generales

Discharge petition a procedure enabling members to force a bill that has been pigeonholed in committee onto the floor for consideration (p. 345)

Petición de exoneración procedimiento que permite a los miembros reiniciar la discusión para considerar una propuesta de ley que se había suspendido en una comisión de debate

Discount rate the rate of interest a bank must pay when it borrows money from a Federal Reserve Bank (p. 476)

Tasa de descuento tasa de interés que debe pagar un banco que toma un préstamo del Banco de la Reserva Federal

Discrimination bias, unfairness (p. 584)

Discriminación prejuicio, injusticia

Disenfranchised denied the right to vote (p.153)

Privación del derecho al voto acción que consiste en negarle a alguien el derecho de votar

Dissenting opinion written explanation of the views of one or more judges who disagree with (dissent from) a decision reached by a majority of the court; *see* majority opinion (p. 537)

Opinión disidente explicación escrita de los puntos de vista de uno o más jueces que está(n) en desacuerdo con una decisión tomada por la mayoría de la corte; *ver* majority opinion/opinión mayoritaria

District plan proposal for choosing presidential electors by which two electors would be selected in each State according to the Statewide popular vote and the other electors would be selected separately in each of the State's congressional districts (p. 392)

Plan de Distrito propuesta para elegir a los electores presidenciales, mediante la cual se seleccionarían dos electores en cada estado, de acuerdo con el voto popular de todo ese estado, y los otros electores se elegirían de manera separada en cada uno de los distritos del Congreso de ese estado

Divine right the belief that God grants authority to a government (p. 650)

Derecho divino creencia de que Dios le concede autoridad a un gobierno

Division of powers basic principle of federalism; the constitutional provisions by which governmental powers are divided on a geographic basis (in the United States, between the National Government and the States) (p. 95)

División de poderes principio básico del federalismo; estipulaciones constitucionales que establecen que los poderes gubernamentales están separados según la ubicación geográfica (en los Estados Unidos, se dividen entre el gobierno nacional y los estados)

Docket a court's list of cases to be heard (p. 530)

Agenda lista de casos por atender en una corte

Domestic affairs all matters not directly connected to the realm of foreign affairs (pp. 434, 482)

Asuntos internos todas cuestiones no relacionadas con el campo de los asuntos exteriores

Double jeopardy part of the 5th Amendment which says that no person can be put in jeopardy of life or limb twice. Once a person has been tried for a crime, he or she cannot be tried again for the same crime (p. 595)

Doble juicio parte de la 5ª enmienda que establece que no se puede poner en riesgo la vida de una persona o su integridad física dos veces. Una vez que se ha juzgado por un crimen a una persona, no puede volverse a juzgar por el mismo delito

Draft conscription, or compulsory military service (p. 445)

Reclutamiento conscripción o servicio militar obligatorio

Due process the government must act fairly and in accord with established rules in all that it does (pp. 31, 578)

Proceso legal establecido el gobierno debe actuar con justicia y de acuerdo con las reglas establecidas en todo lo que hace

Due Process Clause part of the 14th Amendment which guarantees that no state deny basic rights to its people (p. 549)

Cláusula del proceso parte de la 14ª enmienda que garantiza que ningún estado negará los derechos básicos a su pueblo

E

Economic protest parties parties rooted in poor economic times, lacking a clear ideological base, dissatisfied with current conditions and demanding better times (p. 138)

Partidos de protesta económica partidos surgidos en tiempos de descontento económico, que carecen de una base ideológica bien definida, están insatisfechos por las condiciones presentes y exigen mejores épocas

Electoral college group of persons chosen in each State and the District of Columbia every four years who make a formal selection of the President and Vice President (pp. 87, 375)

Colegio electoral grupo de personas (electores presidenciales) elegidos cada cuatro años en todos los estados y en el Distrito de Columbia a fin de hacer una elección formal del Presidente y Vicepresidente

Electoral votes votes cast by electors in the electoral college (p. 375)

Votos electorales votos emitidos por los electores en el Colegio electoral

Electorate all of the people entitled to vote in a given election (pp. 132, 152)

Electorado todas las personas que tienen derecho a votar en una elección determinada

Eminent domain power of a government to take private property for public use (p. 308)

Dominio supremo poder de un gobierno de expropiar la propiedad privada para uso público

Enabling act a congressional act directing the people of a United States territory to frame a proposed State constitution as a step towards admission to the Union (p. 106)

Ley de habilitación ley del Congreso que orienta al pueblo de un territorio de los Estados Unidos para que redacte una propuesta de la constitución para el estado, como un paso hacia la admisión de dicho estado dentro de la Unión

Encomienda a system instituted by the Spanish crown in which the monarch granted control of Indians to settlers for forced labor for mining and agriculture (p. 655)

Encomienda sistema instituido por la corona española en el que el monarca les otorga a los colonos el control de los indígenas quienes son forzados a trabajar en minas y en la agricultura

English Bill of Rights document written by Parliament and agreed on by William and Mary of England in 1689, designed to prevent abuse of power by English monarchs; forms the basis for much in American government and

politics today (p. 31)

Declaración inglesa de los derechos documento redactado por el Parlamento y aceptado por William y Mary de Inglaterra en 1689, elaborado para evitar el abuso de poder por parte de los monarcas ingleses; constituye la base de muchos asuntos del gobierno y la política estadounidenses actuales

Engross to print a bill in its final form (p. 349)

Transcribir imprimir un proyecto de ley en su forma final

Entitlement a benefit that federal law says must be paid to all those who meet the eligibility requirements, e.g., Medicare, food stamps, and veterans' pension (pp. 467, 758)

Derecho beneficio que la ley federal establece que se debe pagar a todos los que cumplan los requisitos para ser elegibles, por ejemplo: el seguro médico, bonos de comida y pensión para los veteranos

Entrepreneur an individual with the drive and ambition to combine land, labor, and capital resources to produce goods or offer services (p. 679)

Empresario individuo con el impulso y la ambición de combinar los recursos de la tierra, la mano de obra y el capital para producir bienes u ofrecer servicios

Espionage spying (p. 492)

Espionaje acto de espiar

Establishment Clause separates church and state (p. 551)

Cláusula del establecimiento separa a la iglesia del estado

Estate tax a levy imposed on the assets of one who dies (pp. 461, 764)

Impuesto testamentario gravamen sobre los bienes de una persona que muere

Ex post facto law a law applied to an act committed before its passage (p. 593)

Ley ex post facto ley que se aplica a un acto cometido con anterioridad a la aprobación de la ley

Excise tax a tax laid on the manufacture, sale, or consumption of goods and/or the performance of services (p. 461)

Impuesto al consumo gravamen sobre la manufactura, venta o consumo de bienes y/o al suministro de servicios

Exclusionary rule evidence gained as the result of an illegal act by police cannot be used against the person from whom it was seized (p. 588)

Regla de exclusión evidencia obtenida como resultado de una acción ilegal de la policía y que no puede utilizarse contra la persona arrestada

Exclusive powers those powers that can be exercised by the National Government alone (p. 99)

Poderes exclusivos poderes que sólo el gobierno nacional puede ejercer

Executive agreement a pact made by the President directly with the head of a foreign state; a binding international agreement with the force of law but which (unlike a treaty) does not require Senate consent (pp. 87, 413)

Acuerdo ejecutivo pacto establecido de manera directa entre el Presidente y otro jefe de un estado extranjero; pacto internacional obligatorio que tiene el poder de una ley pero que no requiere, a diferencia de un tratado, de la aprobación del Senado

Executive Article Article II of the Constitution. Establishes the presidency and gives the executive power of the Federal Government to the President (p. 400)

Artículo del ejecutivo el segundo artículo de la Constitución. Define la presidencia y le otorga el poder ejecutivo del gobierno federal al Presidente

Executive departments often called the Cabinet departments,

they are the traditional units of federal administration (p. 435)

Oficinas del poder ejecutivo a menudo llamadas oficinas del gabinete; son las unidades tradicionales de la administración federal

Executive Office of the President an organization of several agencies staffed by the President's closest advisors (p. 431)

Oficina ejecutiva del Presidente organización compleja, que abarca diversas oficinas separadas, cuyo personal está integrado por los consejeros y asistentes más cercanos al Presidente

Executive order directive, rule, or regulation issued by a chief executive or subordinates, based upon constitutional or statutory authority and having the force of law (p. 406)

Orden ejecutiva directiva, regla o reglamento expedido por un primer mandatario o sus subordinados, con base en su autoridad estatutaria o constitucional, y que tiene el poder de una ley

Executive power the power to execute, enforce, and administer law (p. 5)

Poder ejecutivo poder para ejecutar, administrar y obligar al cumplimiento de la ley

Executive privilege the President's power to refuse to disclose information (p. 409)

Privilegio ejecutivo poder que tiene el Presidente para rehusarse a revelar información

Expatriation the legal process by which a loss of citizenship occurs (p. 635)

Expatriación proceso legal mediante el cual ocurre la pérdida de ciudadanía

Expressed powers those delegated powers of the National Government that are spelled out, expressly, in the Constitution; also called the "enumerated powers" (pp. 96, 296)

Poderes explícitos aquellos poderes delegados del gobierno nacional que se señalan explícitamente en la Constitución; también se conocen como los "poderes ennumerados"

Extradition the legal process by which a fugitive from justice in one State is returned to that State (p. 113)

Extradición proceso legal a través del cual un fugitivo de la justicia en un estado se envía a ese estado

F

Faction a conflicting group (p. 131)

Facción un grupo disidente

Factors of production basic resources which are used to make all goods and services (p. 678)

Factores de producción recursos básicos que se utilizan para elaborar todos los bienes y servicios

Federal budget a detailed financial document containing estimates of federal income and spending during the coming fiscal year (p. 433)

Presupuesto federal documento financiero detallado que contienen las estimaciones de las recaudaciones y gastos que anticipan los ingresos y egresos federales durante el año fiscal venidero

Federal government a form of government in which powers are divided between a central government and several local governments (p. 16)

Gobierno federal forma de gobierno en la que los poderes están divididos entre un gobierno central y diversos gobiernos locales

Federalism a system of government in which a written consti-

tution divides power between a central, or national, government and several regional governments (pp. 75, 94)

Federalismo sistema de gobierno en el que una constitución escrita divide los poderes del gobierno, sobre una base territorial, entre un gobierno central (o nacional) y diversos gobiernos regionales

Federalists those persons who supported the ratification of the Constitution in 1787–1788 (p. 59)

Federalistas personas que apoyaron la ratificación de la Constitución en 1787–1788

Felony a serious crime which may be punished by a heavy fine and/or imprisonment or even death (p. 728)

Felonía un crimen grave que puede castigarse con una gran multa, la prisión o incluso la muerte

Feudalism a loosely organized system in which powerful lords divided their lands among other, lesser lords (p. 647)

Feudalismo sistema relativamente organizado en el cual los grandes señores les concedían sus tierras a otros señores de menor autoridad

Filibuster various tactics (usually long speeches) aimed at defeating a bill in a legislative body by preventing a final vote; associated with the U.S. Senate; *see* cloture (p. 352)

Obstrucción tácticas diversas (por lo general, prolongar el debate verbal) con el objetivo de derrotar una propuesta de ley en un cuerpo legislativo, evitando que se tenga un voto final; a menudo se asocia con el Senado de los Estados Unidos; *ver* cloture/limitación del debate

Fiscal year the 12-month period used by a government and the business world for its record-keeping, budgeting, revenue-collecting, and other financial management purposes (p. 433)

Año fiscal período de 12 meses utilizado por el gobierno y el mundo de los negocios para su contabilidad, presupuesto, recaudación de ingresos y otros propósitos financieros

Fiscal policy the various means the government uses to raise and spend money (p. 456)

Política económica métodos varios que usa el gobierno para obtener y gastar dinero

Five-year plan a plan which projects economic development over the next five years (p. 689)

Plan quinquenal plan que hace proyecciones sobre el desarrollo económico durante los siguientes cinco años

Floor consideration the process by which proposed laws are considered and acted upon by the full membership of the House or Senate (p. 287)

Consideración de la sala proceso mediante el cual la Cámara de Representantes o el Senado consideran y reaccionan a las leyes propuestas

Floor leaders members of the House and Senate picked by their parties to carry out party decisions and steer legislative action to meet party goals (p. 336)

Líderes de fracciones partidistas miembros de la Cámara de Representantes y del Senado elegidos por sus partidos con el objeto de llevar a cabo las decisiones partidistas e impulsar la acción legislativa a fin de que cumplan con los propósitos partidistas

Foreign affairs a nation's relationships with other countries (p. 482)

Asuntos exteriores relaciones de una nación con otros países

Foreign aid economic and military aid to other countries (p. 505)

Ayuda extranjera auxilio militar y económico a otros países

Foreign policy a group of policies made up of all the stands and actions that a nation takes in every aspect of its relationships with other countries; everything a nation's government says and does in world affairs (p. 483)

Política exterior conjunto de políticas conformado por todas las posturas y acciones que una nación asume en cada uno de los aspectos de sus relaciones con otros países; todo lo que el gobierno de una nación expresa y hace respecto a los asuntos mundiales

Formal amendment change or addition that becomes part of the written language of the Constitution itself through one of four methods set forth in the Constitution (p. 79)

Enmienda formal cambio o adición que se convierte en parte del lenguaje escrito de la Constitución misma, mediante uno de los cuatro métodos enunciados de la Constitución

Framers group of delegates who drafted the United States Constitution at the Philadelphia Convention in 1787 (p. 52)

Redactores grupo de delegados que esbozaron la Constitución de los Estados Unidos en la Convención de Filadelfia en 1787

Franchise the right to vote (p. 152)

Sufragio derecho a votar

Franking privilege benefit allowing members of Congress to mail letters and other materials postage-free (p. 289)

Exención de franquicia beneficio otorgado a los miembros del Congreso que les permite enviar por correo cartas y otros materiales sin pagar los derechos del correo

Free enterprise system an economic system characterized by private or corporate ownership of capital goods; investments that are determined by private decision rather than by state control, and determined in a free market (pp. 23, 679)

Sistema de libre empresa sistema económico caracterizado por la propiedad privada o corporativa de los bienes de capital; inversiones que están determinadas por una decisión privada, en vez del control estatal, y están sujetas a un mercado libre

Free Exercise Clause the second part of the constitutional guarantee of religious freedom, which guarantees to each person the right to believe whatever he or she chooses to believe in matters of religion (p. 551)

Cláusula de la libertad de cultos segunda parte de la garantía constitucional de libertad religiosa, que garantiza a todo mundo el derecho de creer en lo que ella escoja en materia de religión

Free Market a market in which buyers and sellers are free to buy and sell as they wish (p. 679)

Mercado libre mercado en el cual los compradores y vendedores tienen la libertad de comprar y vender como deseen

Full Faith and Credit Clause Constitution's requirement that each State accept the public acts, records, and judicial proceedings of every other State (p. 112)

Cláusula de fe y crédito cabal requisito constitucional (Artículo IV, Sección 1) según el cual cada estado acepta (da "fe y crédito cabal") los actos públicos, documentos y procedimientos judiciales de cualquier otro estado

Fundamental law laws of basic and lasting importance which may not easily be changed (p. 710)

Ley fundamental leyes de importancia primordial y duradera que no se cambiarán con facilidad

Brecha de género diferencias medibles entre las elecciones partidistas actuales de hombres y mujeres

General election the regularly scheduled election at which voters make a final selection of officeholders (p. 185)

Elecciones generales elecciones programadas regularmente en la que los votantes hacen una selección final de los funcionarios públicos

Genocide the attempted extermination of a cultural, racial, or national group (p. 664)

Genocidio intento de aniquilar a un grupo cultural, racial o nacional

Gerrymandering the drawing of electoral district lines to the advantage of a party or group (pp. 165, 277)

Demarcación arbitraria establecimiento de los límites de los distritos electorales de modo que den ventaja a un partido

Gift tax a tax on a gift by a living person (p. 461)

Impuesto a los regalos gravamen sobre los regalos que una persona viva otorga

Globalization economic interdependence among nations of the world (p. 695)

Globalización interdependencia económica entre naciones del mundo

Government the institution through which a society makes and enforces its public policies (p. 4)

Gobierno institución mediante la cual una sociedad lleva a cabo y hace cumplir sus políticas públicas

Government corporation corporations within the executive branch subject to the President's direction and control, set up by Congress to carry out certain business-like activities (p. 448)

Corporación gubernamental instituciones del poder ejecutivo que están sujetas a la dirección y el control del Presidente, formadas por el Congreso para que realicen determinadas actividades de tipo empresarial

Grand jury the formal device by which a person can be accused of a serious crime (p. 577)

Gran Jurado dispositivo formal a través del cual puede acusarse a una persona de un crimen serio

Grants-in-aid program grants of federal money or other resources to States, cities, counties, and other local units (p. 107)

Programa de subvención de fondos públicos subvenciones de dinero o de otros recursos federales para los estados, sus ciudades, condados y otras unidades locales

Grass-roots pressures pressures on public officials from members of an interest group or the people at large (p. 257)

Presión popular presión que los miembros de un grupo de interés o la población en general ejercen sobre funcionarios públicos

Great Leap Forward the five-year plan for 1958 which was an attempt to quickly modernize China (p. 690)

Gran salto hacia adelante plan quinquenal de 1958 que fue un intento de modernizar rápidamente a China

Gross domestic product (GDP) the total amount of goods and services produced in a country each year (p. 473)

Producto interno bruto (PIB) cantidad total de bienes y servicios producidos por un país cada año

Guerilla warfare fighting carried out by small groups in hit-and-run raids (p. 657)

Conflicto guerrillero armado lucha de golpe y fuga entre grupos pequeños

G

Gender gap measurable differences between the partisan choices of men and women today (p. 175)

H

- Hard money** campaign money that is subject to regulations by the FEC (p. 208)
- Fondos fiscalizados** dinero de campaña que está sujeto a las regulaciones de la FEC
- Hardliners** those who fight to maintain the status quo (p. 661)
- Radical** los que luchan por mantener el status quo
- Heterogeneous** of another or different race, family or kind; composed of a mix of elements (p. 612)
- Hetereogéneo** de diferente raza, familia o especie; compuesto por una mezcla de elementos

I

- Ideological parties** parties based on a particular set of beliefs, a comprehensive view of social, economic, and political matters (p. 137)
- Partidos ideológicos** partidos que se basan en un conjunto determinado de creencias, un punto de vista comprehensivo sobre asuntos sociales, económicos y políticos
- Immigrant** those people legally admitted as permanent residents of a country (p. 612)
- Inmigrante** persona que es admitida legalmente en calidad de residente permanente de un país
- Impeach** to bring formal charges against a public official; the House of Representatives has the sole power to impeach civil officers of the United States (p. 319)
- Impugnar** fincar cargos formales en contra de un funcionario público; la Cámara de Representantes tienen el exclusivo poder de impugnar a los funcionarios públicos de los Estados Unidos
- Imperial presidency** term used to describe a President as an “emperor” who acts without consulting Congress or acts in secrecy to evade or deceive Congress; often used in reference to Richard Nixon’s presidency (p. 403)
- Presidencia imperial** término utilizado para describir a un Presidente como “emperador”, quien actúa sin consultar al Congreso o de manera secreta para evadirlo o engañarlo
- Implied powers** those delegated powers of the National Government that are suggested by the expressed powers set out in the Constitution; those “necessary and proper” to carry out the expressed powers; *see* delegated powers, expressed powers (pp. 96, 296)
- Poderes implícitos** aquellos poderes delegados del gobierno nacional que se sugieren o están implícitos por los poderes explícitos; aquellos que son “necesarios y apropiados” para realizar los poderes explícitos; *ver* delegated powers/poderes delegados, expressed powers/poderes explícitos
- Import quota** a limit put on the amount of a commodity that can be imported into a country (p. 696)
- Cuota de importación** límite sobre la cantidad de un producto que se puede importar a un país
- Income tax** a tax levied on the income of individuals and/or corporations (p. 763)
- Impuesto sobre la renta** gravamen sobre el ingreso de los individuos y/o corporaciones
- Incorporation** the process by which a State establishes a city as a legal body (p. 749)
- Incorporación** proceso mediante el cual un estado establece a una ciudad como un cuerpo legal
- Incumbent** the current officeholder (pp. 131, 280)
- Titular** funcionario público actual

- Independent agencies** additional agencies created by Congress located outside the Cabinet departments (p. 441)
- Oficinas independientes** agencias adicionales creadas por el Congreso y que se ubican fuera de los departamentos del Gabinete
- Independent executive agencies** agencies headed by a single administrator with regional subunits, but lacking Cabinet status (p. 442)
- Oficinas ejecutivas independientes** agencias dirigidas por un solo administrador que tiene subunidades operativas regionales pero que carece del estatus del Gabinete
- Independent regulatory commissions** independent agencies created by Congress, designed to regulate important aspects of the nation’s economy, largely beyond the reach of presidential control (p. 445)
- Comisiones regulatorias independientes** agencias independientes cuya función es regular aspectos importantes de la economía de la nación, en su mayoría fuera del control y dirección del Presidente
- Independents** a term used to describe people who have no party affiliation (p. 177)
- Independientes** término usado para describir a las personas que no están afiliadas a un partido
- Indictment** a formal complaint before a grand jury which charges the accused with one or more crimes (p. 594)
- Denuncia** queja formal que el fiscal expone ante un gran jurado, que incluye cargos al acusado por uno o más crímenes
- Inferior courts** the lower federal courts, beneath the Supreme Court (p. 521)
- Cortes inferiores** las cortes federales menores, que están por debajo de la Corte Suprema
- Inflation** a general increase in prices throughout the economy (474)
- Inflación** incremento general de precios en la economía
- Information** a formal charge filed by a prosecutor without the action of a grand jury (pp. 595, 729)
- Información** acusación oficial presentada por un acusador sin acción de parte del jurado
- Inherent powers** powers the Constitution is presumed to have delegated to the National Government because it is the government of a sovereign state within the world community (pp. 97, 296)
- Poderes inherentes** aquellos poderes delegados del gobierno nacional que le pertenecen de manera inherente, debido a que es el gobierno de un estado soberano de la comunidad mundial
- Inheritance tax** a tax levied on the beneficiary’s share of an estate (p. 764)
- Impuesto sobre la herencia** gravamen sobre lo que hereda un beneficiario
- Initiative** a process in which a certain number of qualified voters sign petitions in favor of a proposed statute or constitutional amendment, which then goes directly to the ballot (p. 712)
- Iniciativa** proceso en el que determinado número de votantes calificados firman peticiones a favor de una propuesta que se pasa después directamente a la papeleta electoral
- Injunction** a court order that forces or limits the performance of some act by a private individual or by a public official (pp. 165, 562)
- Mandato** orden judicial que fuerza o limita el desempeño de

determinado acto, mediante la intervención de un individuo privado o un funcionario público

Integration the process of bringing a group into equal membership in society (p. 620)

Integración proceso mediante el cual se ofrece a un grupo participación igualitaria dentro de la sociedad

Interest a charge for borrowed money, generally a percentage of the amount borrowed (p. 462)

Interés cargo que se hace por el dinero prestado, por lo general es un porcentaje de la cantidad prestada

Interest group private organizations whose members share certain views and work to shape public policy (pp. 221, 242)

Grupo de interés organizaciones privadas cuyos miembros comparten determinados puntos de vista y trabajan para dar forma a las políticas públicas

Interstate compact formal agreement entered into with the consent of Congress, between or among States, or between a State and a foreign state (p. 111)

Pacto interestatal acuerdo formal suscrito con el consentimiento del Congreso, entre dos estados o entre un estado y un estado extranjero, el cual está autorizado por la Constitución (Artículo I, Sección 10)

Involuntary servitude forced labor (p. 583)

Servidumbre involuntaria trabajo forzado

Isolationism a purposeful refusal to become generally involved in the affairs of the rest of the world (p. 482)

Aislacionismo rechazo voluntario a verse involucrado, de manera general, en los asuntos del resto del mundo

Item veto a governor may veto one or more items in a bill without rejecting the entire measure (p. 724)

Veto de artículo un gobernador puede vetar uno o más artículos de una propuesta de ley, sin rechazar toda la medida

J

Jim Crow law a law that separates people on the basis of race, aimed primarily at African Americans (p. 619)

Ley Jim Crow ley que separa a un grupo de personas del resto de la gente con base en la raza, dirigido principalmente a los afroamericanos

Joint committee legislative committee composed of members of both houses (p. 341)

Comité conjunto comité legislativo compuesto por miembros de ambas cámaras

Joint resolution a proposal for action that has the force of law when passed; usually deals with special circumstances or temporary matters (p. 344)

Resolución conjunta propuesta de acción que tiene el poder de una ley cuando se aprueba; a menudo tiene que ver con circunstancias especiales o asuntos temporales

Judicial activism a judicial philosophy in which supporters believe that judges should interpret and apply provisions in the Constitution and in statute law in the light of ongoing changes in conditions and values (p. 524)

Activismo judicial filosofía judicial que argumenta que los jueces deberían interpretar y aplicar las condiciones de la Constitución y del derecho escrito considerando los cambios progresivos de condiciones y valores

Judicial power the power to interpret laws, to determine their meaning, and to settle disputes within the society (p. 5)

Poder judicial poder para interpretar las leyes, determinar su significado y resolver las disputas que surgen dentro de la sociedad

Judicial restraint a judicial philosophy in which supporters believe that judges should decide cases based on the original intent of the Framers or those who enacted the statute(s) involved in a case, or on precedent (p. 524)

Restricción judicial filosofía judicial que argumenta que los jueces deberían tomar decisiones sobre sus casos basándose en la intención original de los creadores de la Declaración de Derechos o los que promulgan los estatutos del caso, o en el precedente

Judicial review the power of a court to determine the constitutionality of a governmental action (p. 73)

Revisión judicial poder de una corte para determinar la constitucionalidad de una acción gubernamental

Jurisdiction the authority of a court to hear a case (p. 522)

Jurisdicción autoridad de una corte para atender (juzgar y decidir) un caso

Jury a body of persons selected according to law who hear evidence and decide questions of fact in a court case (p. 728)

Jurado conjunto de personas seleccionadas de acuerdo con la ley para que escuchan la evidencia y deciden cuestiones de hechos en un caso de la corte

Jus sanguinis the law of blood, which determines citizenship based on one's parents' citizenship (p. 633)

Jus sanguinis ley de la sangre que define la ciudadanía con base en la ciudadanía de los padres

Jus soli the law of soil, which determines citizenship based on where a person is born (p. 633)

Jus soli ley del territorio que determina la ciudadanía con base en el lugar de nacimiento de la persona

Justice of the Peace a judge who stands on the lowest level of the State judicial system and presides over justice courts (p. 732)

Juez de paz juez que está en el nivel inferior del sistema judicial estatal y preside las cortes de justicia.

K

Keynote address speech given at a party convention to set the tone for the convention and the campaign to come (p. 873)

Discurso de apertura alocución dada en una convención de partido para establecer el tono de la convención y de la futura campaña

L

Labor union an organization of workers who share the same type of job, or who work in the same industry, and press for government policies that will benefit their members (p. 248)

Sindicato laboral organización de trabajadores que comparten el mismo tipo de trabajo, o que laboran en la misma industria y que presiona por lograr políticas gubernamentales que beneficien a sus miembros

Laissez-faire theory a theory which suggests that government should play a very limited role in society (p. 682)

Teoría del dejar hacer teoría que sugiere que el gobierno debería desempeñar un papel limitado dentro de la sociedad

Law of supply and demand a law which states that when supplies of goods and services become plentiful, prices tend to drop. When supplies become scarcer, prices tend to rise (p. 681)

Ley de la oferta y la demanda ley que establece que cuando los suministros de bienes y servicios son abundantes, los precios tienden a bajar. Cuando los suministros escasean, los precios tienden a subir

Legal tender any kind of money that a creditor must, by law, accept in payment for debts (p. 303)

Moneda de curso legal cualquier moneda que un acreedor debe aceptar, por ley, como pago de una deuda

Legislative power the power to make a law and to frame public policies (p. 5)

Poder legislativo poder para hacer una ley y redactar políticas públicas

Legitimacy the belief of the people that a government has the right to make public policy (p. 650)

Legitimidad creencia que un gobierno tiene el derecho de crear políticas públicas

Libel false and malicious use of printed words (p. 559)

Libelo utilización falsa y maliciosa de las palabras impresas

Liberal constructionist one who argues a broad interpretation of the provisions of the Constitution, particularly those granting powers to the Federal Government (p. 314)

Construccionista liberal aquel que argumenta una amplia interpretación de las estipulaciones de la Constitución, en particular las que otorgan poderes al gobierno federal

Limited government basic principle of American government which states that government is restricted in what it may do, and each individual has rights that government cannot take away; *see* constitutionalism, popular sovereignty (pp. 31, 69, 709)

Gobierno limitado principio básico del sistema estadounidense de gobierno que establece que el gobierno tiene restricciones en cuanto a lo que puede hacer, y en el cual cada individuo tiene ciertos derechos que el gobierno no puede enajenar; ver constitutionalism / constitucionalismo, popular sovereignty/soberanía popular

Line agency an agency which performs the tasks for which the organization exists (p. 430)

Agencia del ramo oficina que desempeña las tareas para las que la organización existe

Line-item veto a President's cancellation of specific dollar amounts (line items) from a congressional spending bill; instituted by a 1996 congressional act, but struck down by a 1998 Supreme Court decision (p. 418)

Veto de partida cancelación presidencial de ciertas cantidades de dólares (partidas) de una cuenta de gastos del Congreso; este veto se instituyó en 1996 mediante una ley del Congreso, pero la Suprema Corte lo derogó en 1998

Literacy a person's ability to read or write (p. 161)

Alfabetismo capacidad de una persona para leer o escribir

Lobbying activities by which group pressures are brought to bear on legislators, the legislative process, and all aspects of the public-policy-making process (p. 254)

Cabildeo actividades mediante las que las presiones de un grupo se aplican a los legisladores y al proceso legislativo, incluyendo todos los métodos utilizados por el grupo para dirigir las presiones hacia todos los aspectos del proceso de creación de políticas públicas

Lobbyist a person who tries to persuade public officials to do those things that interest groups want them to do (p. 254)

Cabildero persona que intenta persuadir a funcionarios para realizar cosas que ciertos grupos de interés quieren que se lleven a cabo

M

Magistrate a justice who handles minor civil complaints and misdemeanor cases that arise in an urban setting (p. 733)

Magistrado juez que atiende a demandas civiles menores y casos de faltas leves que surgen en un contexto urbano

Magna Carta Great Charter forced upon King John of England by his barons in 1215; established that the power of the monarchy was not absolute and guaranteed trial by jury and due process of law to the nobility (p. 31)

Carta Magna constitución que los barones impusieron al rey John de Inglaterra en 1215; estableció el principio de que el poder del monarca no era absoluto y garantizó los derechos fundamentales, como el de un juicio con jurado y procesos establecidos legales para la nobleza

Majority leader the floor leader of the party that holds the majority of seats in each house of Congress (p. 336)

Líder mayoritario portavoz del partido político que posee la mayor cantidad de escaños en cada cámara del Congreso

Majority opinion officially called the Opinion of the Court; announces the Court's decision in a case and sets out the reasoning upon which it is based (p. 537)

Opinión mayoritaria llamada oficialmente Opinión de la Corte; anuncia la decisión de la Corte sobre el caso y describe el razonamiento sobre el que ésta se basa

Majority rule in a democracy, the majority of the people will be right more often than they will be wrong, and will be right more often than will any one person or small group (p. 21)

Gobierno por mayoría en una democracia, la mayoría de personas estarán en lo correcto con más frecuencia, y estarán en lo correcto con más frecuencia que una sola persona o un grupo pequeño

Mandate the instructions or commands a constituency gives to its elected officials (p. 220)

Mandato las instrucciones u órdenes que un grupo de votantes da a sus funcionarios electos

Mass media those means of communication that reach large audiences, especially television, radio, printed publications, and the Internet (p. 218)

Medios masivos de comunicación aquellos medios de comunicación que llegan a grandes audiencias, sobre todo la radio, televisión, publicaciones impresas e Internet

Mayor-council government the oldest and most widely used type of city government—an elected mayor as the chief executive and an elected council as its legislative body (p. 750)

Gobierno de consejo-alcalde el más antiguo y más utilizado tipo de gobierno municipal: un alcalde electo como Presidente y un consejo electo como su cuerpo legislativo

Medicaid a program administered by the State to provide medical insurance to low-income families (p. 757)

Medicaid programa administrado por el Senado para proporcionar seguro médico a las familias de bajos ingresos

Medium a means of communication; something that transmits information (p. 228)

Medio un medio de comunicación; algo que transmite información

Mercantilism an economic and political theory emphasizing money as the chief source of wealth to increase the absolute power of the monarchy and the nation (p. 650)

Mercantilismo teoría económica y política que destaca el dinero como la fuente primaria de riqueza para incrementar el poder absoluto de la monarquía y de la nación

Metropolitan area a city and the area around it (p. 755)

Área metropolitana la ciudad y el área que le circunda

Minister cabinet members, most commonly of the House of Commons (p. 667)

Ministro miembro del gabinete, y más frecuentemente de la Cámara de los Comunes

Minority leader the floor leader of the party that holds the minority of seats in each house of Congress (p. 336)

Líder minoritario portavoz del partido político que posee la menor cantidad de escaños en cada cámara del Congreso

Miranda Rule the constitutional rights which police must read to a suspect before questioning can occur (p. 599)

Ley Miranda derechos constitucionales que la policía debe especificar a un sospechoso antes de que se le pueda interrogar

Misdemeanor a lesser offense, punishable by a small fine and/or a short jail term (p. 728)

Falta leve delito menor que se castiga mediante una pequeña multa o un breve período de encarcelamiento

Monopoly a firm that is the only source of a product or service (p. 681)

Monopolio empresa que es la única fuente de un producto o servicio

Municipality an urban political unit within a township that usually exists as a separate government entity (p. 747)

Municipalidad unidad política urbana dentro de un municipio que por lo general existe como una entidad gubernamental independiente

N

National convention meeting at which a party's delegates vote to pick their presidential and vice-presidential candidates (p. 380)

Convención nacional Reunión en la que los delegados de un partido votan para elegir a sus candidatos a la presidencia y vicepresidencia

National popular vote plan proposal for electing the President whereby each State's election laws would provide for all of the State's electoral votes to be awarded to the winner of the national popular vote and enter into an interstate compact agreeing to elect the President by national popular vote (p. 394)

Plan para el voto nacional popular propuesta para elegir al Presidente de la nación mediante la cual las leyes electorales de cada Estado decretan que los votos electorales sean otorgados al ganador del voto popular nacional y que de esta manera se llegue a un acuerdo interestatal donde se elija al presidente por voto popular

NATO (North American Treaty Organization) an alliance formed to protect the freedom and security of its members through political and military action (p. 506)

OTAN (Organización del Tratado del Atlántico Norte) alianza formada para proteger la libertad y seguridad de sus miembros a través de medidas políticas y militares

Naturalization the legal process by which citizens of one country become citizens of another (pp. 309, 633)

Naturalización proceso legal mediante el cual los ciudadanos de un país se convierten en ciudadanos de otro

Necessary and Proper Clause constitutional clause that gives Congress the power to make all laws "necessary and proper" for executing its powers; *see* implied powers (p. 312)

Cláusula de necesidad y conveniencia cláusula constitucional que otorga al Congreso el poder de expedir leyes "necesarias y convenientes" para el ejercicio de sus poderes; *ver* implied powers/poderes implícitos

New Jersey Plan plan presented as an alternative to the

Virginia Plan at the Constitutional Convention; called for a unicameral legislature in which each State would be equally represented (p. 55)

Plan Nueva Jersey plan presentado en la Convención Constitucional como una alternativa al Plan Virginia; proponía una legislatura unicameral en la que cada estado estuviera representado de forma equitativa

Nomination the process of candidate selection in an electoral system (p. 184)

Nominación proceso de selección de candidatos en una democracia

Nonpartisan election election in which candidates are not identified by party labels (p. 190)

Elección no partidista elección en la que los candidatos no están identificados por mimbres de partidos

North American Free Trade Agreement an agreement which removed trade restrictions among the United States, Canada, and Mexico, thus increasing cross-border trade (p. 697)

Tratado de Libre Comercio de Norteamérica acuerdo que elimina las restricciones comerciales entre los Estados Unidos, Canadá y México, con lo cual se incrementa el comercio transfronterizo

O

Off-year election congressional election that occurs between presidential election years (pp. 170, 275)

Elección intermedia elección del Congreso que ocurre entre las elecciones presidenciales

Oligarchy a form of government in which the power to rule is held by a small, usually self-appointed elite (p. 14)

Oligarquía forma de gobierno en la que el poder de gobernar lo ejerce una elite pequeña y por lo general autnombrada

Open market operations the processes by which the Federal Reserve buys or sells government securities from and to the nation's banks in order to alter the money supply (p. 476)

Operaciones de mercado abierto proceso por el cual la Reserva Federal compra y vende valores del Estado a los bancos del país para controlar la cantidad de dinero en circulación

Open primary a party-nominating election in which any qualified voter can take part (p. 188)

Elección primaria abierta elección partidista de nominación en la que cualquier votante calificado puede tomar parte

Opinion leader any person who, for any reason, has an unusually strong influence on the views of others (p. 218)

Líder de opinión cualquier persona que por alguna razón tiene una poderosa influencia en los puntos de vista de otras

Ordinance power power of the President to issue executive orders; originates from the Constitution and acts of Congress (p. 406)

Poder de decreto poder del Presidente de emitir órdenes ejecutivas; se fundamenta en la Constitución y en los actos del Congreso

Original jurisdiction the power of a court to hear a case first, before any other court (p. 523)

Jurisdicción original poder de una corte de atender un caso antes que otra corte

Oversight function review by legislative committees of the policies and programs of the executive branch (p. 288)

Función de vigilancia revisión de las políticas y los programas de la rama ejecutiva por parte de los comités legislativos

P

Pardon release from the punishment or legal consequences of a crime, by the President (in a federal case) or a governor (in a State case) (pp. 419, 724)

Perdón exoneración del castigo o de las consecuencias legales de un crimen que lleva a cabo el Presidente (en el caso federal) o el gobernador (en el caso estatal)

Parliamentary government a form of government in which the executive branch is made up of the prime minister, or premier, and that official's cabinet (p. 18)

Gobierno parlamentario forma de gobierno en la que la rama ejecutiva está conformada por el primer ministro, o premier, y el gabinete oficial

Parochial church-related, as in a parochial school (p. 552)

Parroquial relacionado con la iglesia, como las escuelas parroquiales

Parole the release of a prisoner short of the complete term of the original sentence (p. 725)

Liberación bajo palabra libertad condicional de un prisionero poco antes de que termine el lapso de su sentencia original

Partisan lawmaker who owes his/her first allegiance to his/her political party and votes according to the party line (p. 287)

Partidista legislador que le debe fidelidad, en primer lugar, a su partido político, por lo que vota de acuerdo con la línea del partido

Partisanship government action based on firm allegiance to a political party (p. 124)

Partidarismo acción gubernamental basada en la vigorosa fidelidad a un partido político

Party caucus a closed meeting of a party's House or Senate members; also called a party conference (p. 335)

Junta de dirigentes de partido reunión cerrada de los miembros de la Cámara de Representantes o del Senado; también se conoce como Conferencia de partido

Party identification loyalty of people to a political party (p. 177)

Identificación con el partido lealtad de la gente hacia un partido político

Patent a license issued to an inventor granting the exclusive right to manufacture, use, or sell his or her invention for a limited period of time (p. 307)

Patente licencia expedida a un inventor para garantizar el derecho exclusivo de manufactura, uso o venta de su invento, durante un tiempo limitado

Patronage the practice of giving jobs to supporters and friends (p. 443)

Patrocinio práctica de dar trabajo a los simpatizantes y amigos

Payroll tax a tax imposed on nearly all employers and their employees, and on self-employed persons—the amounts owed by employees withheld from their paychecks (p. 460)

Impuesto sobre la nómina gravamen tasado a casi todos los empleadores y sus empleados, así como a las personas autoempleadas; cantidad debida por los empleados que se les descuenta de su salario

Peer group people with whom one regularly associates, including friends, classmates, neighbors, and co-workers (p. 218)

Grupo de camaradas gente con la que uno se asocia regularmente y que incluye a socios, amigos, compañeros de clase, vecinos y compañeros de trabajo

Perjury the act of lying under oath (p. 320)

Perjurio el hecho de mentir bajo juramento

Persona non grata an unwelcome person; used to describe recalled diplomatic officials (p. 414)

Persona non grata una persona que no es bienvenida; se utiliza para describir a los funcionarios diplomáticos destituidos

Petition of Right document prepared by Parliament and signed by King Charles I of England in 1628; challenged the idea of the divine right of kings and declared that even the monarch was subject to the laws of the land (p. 31)

Solicitud de Derecho documento preparado por el Parlamento y firmado por el rey Charles I de Inglaterra en 1628; cuestionó la idea del derecho divino de los reyes y declaró que incluso el monarca está sujeto a las leyes de la tierra

Picketing patrolling of a business site by workers who are on strike (p. 565)

Vigilancia manifestación de los trabajadores en el sitio donde están en huelga

Pigeon-holed expression describing how most bills introduced in each session of Congress are buried, put away, or never acted upon (p. 345)

Dar carpetazo expresión que describe cómo proyectos de ley que se presentan ante el Congreso se olvidan, se ponen a un lado o nunca se llevan a cabo

Plaintiff in civil law, the party who brings a suit or some other legal action against another (the defendant) in court (p. 523)

Demandante en el derecho civil, la parte que entabla un juicio u otra acción legal contra otra (el demandado) en una corte

Platform a political party's formal statement of basic principles, stands on major issues, and objectives (p. 382)

Plataforma un enunciado formal por parte de un partido político respecto a sus principios básicos, opiniones sobre cuestiones políticas importantes y objetivos

Plebeians the common folk in the Roman Republic (p. 647)

Plebeyos personas que pertenecían a la plebe en la República Romana

Plurality in an election, the number of votes that the leading candidate obtains over the next highest candidate (p. 127)

Mayoría en una elección, el número de votos que el candidato que va a la punta tiene de ventaja sobre su competidor más cercano

Pocket veto type of veto a chief executive may use after a legislature has adjourned; when the chief executive does not sign or reject a bill within the time allowed to do so; *see* veto (pp. 356, 418)

Veto indirecto tipo de veto que el Presidente puede utilizar después de que una legislatura se suspende; se aplica cuando un Presidente no firma formalmente o rechaza una propuesta de ley, dentro del tiempo comprendido para eso; *ver* Veto

Police power the authority of each State to act to protect and promote the public health, safety, morals, and general welfare of its people (pp. 580, 717)

Facultad policial autoridad de cada estado para proteger y promover la salud pública, la seguridad, la moral y el bienestar general de su pueblo

Political Action Committee the political extension of special-interest groups which have a major stake in public policy (p. 202)

Comité de acción política extensión política de grupos de interés especiales, los cuales tienen un gran interés en la política pública

Political efficacy one's own influence or effectiveness on politics (p. 172)
Eficacia política la influencia o eficacia individual en la política
Political party a group of persons who seek to control government through the winning of elections and the holding of public office (p. 122)
Partido político grupo de personas que buscan controlar el gobierno mediante el triunfo en las elecciones y la conservación de los puestos públicos
Political socialization the process by which people gain their political attitudes and opinions (p. 173)
Socialización política proceso mediante el que la gente obtiene sus actitudes y opiniones políticas
Political spectrum the range of political views (p. 123)
Espectro político gama de visiones políticas
Politico lawmaker who attempts to balance the basic elements of the trustee, delegate, and partisan roles; *see* trustee, delegate, partisan (p. 287)
Político legislador que intenta equilibrar los elementos básicos de los miembros del directorio, los delegados y los roles partidistas; *ver* trustee/independiente, delegate/delegado, partisan/partidista
Poll book list of all registered voters in each precinct (p. 160)
Padrón electoral lista de todos los votantes registrados en cada distrito
Poll tax a special tax, demanded by States, as a condition of voting (p. 154)
Impuesto sobre el padrón electoral gravamen especial, exigido por los estados como una condición para votar
Polling place the place where the voters who live in a certain precinct go to vote (p. 195)
Casilla electoral lugar donde los votantes que viven en cierto distrito acuden a votar
Popular sovereignty basic principle of the American system of government which asserts that the people are the source of any and all governmental power, and government can exist only with the consent of the governed (pp. 41, 69, 709)
Soberanía popular principio básico del sistema estadounidense de gobierno que establece que el pueblo es la fuente de todos los poderes gubernamentales, y que el gobierno sólo puede existir con el consentimiento de los gobernados
Precedent court decision that stands as an example to be followed in future, similar cases (pp. 524, 728)
Precedente decisión judicial que se toma como un ejemplo a seguir en el futuro para casos similares
Precinct the smallest unit of election administration; a voting district (pp. 146, 195)
Distrito unidad mínima de la administración electoral; distrito de votación
Preclearance mandated by the Voting Rights Act of 1965, the prior approval by the Justice Department of changes to or new election laws by certain States (p. 167)
Preautorización ordenada por la Ley de Derechos de Votos de 1965, respecto a la aprobación anterior, por parte del Departamento de Justicia, de los cambios en las leyes electorales existentes o nuevas en ciertos estados
Preliminary hearing the first step in a major criminal prosecution where the judge decides if the evidence is enough to hold the person for action by the grand jury or the prosecutor (p. 732)
Audiencia preliminar el primer paso del procesamiento de

un crimen mayor, en el que el juez decide si la evidencia basta para que la persona comparezca ante el gran jurado o ante el fiscal para ser sujeto de una acción
Presentment a formal accusation brought by the grand jury on its own motion, rather than that of the prosecutor (p. 594)
Declaración del Jurado una acusación formal traída por el jurado de acusación en vez del acusador
President of the Senate the presiding officer of a senate; in Congress, the Vice President of the United States; in a State's legislature, either the lieutenant governor or a senator (p. 333)
Presidente del Senado funcionario que preside un Senado; en el Congreso es el Vicepresidente de los Estados Unidos; en la legislatura estatal, cualquier vicegobernador o un senador
President pro tempore the member of the United States Senate, or of the upper house of a State's legislature, chosen to preside in the absence of the president of the Senate (p. 334)
Presidente pro tempore miembro del Senado de Estados Unidos, o de la cámara superior de la legislatura estatal, elegido para ser Presidente, en caso de ausencia del Presidente del Senado
Presidential elector a person elected by the voters to represent them in making a formal selection of the Vice President and President (p. 374)
Elector presidencial persona elegida por los votantes para representarlos en la selección formal del Presidente y Vicepresidente
Presidential government a form of government in which the executive and legislative branches of the government are separate, independent, and coequal (p. 17)
Gobierno presidencial forma de gobierno en la que las ramas ejecutivas y legislativas del gobierno están separadas, son independientes y están en la misma jerarquía
Presidential primary an election in which a party's voters (1) choose State party organization's delegates to their party's national convention, and/or (2) express a preference for their party's presidential nomination (p. 378)
Elección presidencial primaria elección en la que los votantes de un partido: (1) eligen a varios o a todos los delegados de la organización partidista estatal para la convención nacional de su partido, y/o (2) expresan una preferencia por alguno de los distintos contendientes para la nominación presidencial de su partido
Presidential succession scheme by which a presidential vacancy is filled (p. 370)
Sucesión presidencial plan mediante el cual se resuelve la vacante presidencial
Presidential Succession Act of 1947 law specifying the order of presidential succession following the Vice President (p. 370)
Ley para la sucesión presidencial de 1947 ley que especifica el orden para la sucesión presidencial, después del Vicepresidente
Preventive detention a law which allows federal judges to order that an accused felon be held, without bail, when there is good reason to believe that he or she will commit yet another serious crime before trial (p. 603)
Arresto preventivo ley que permite a los jueces federales ordenar que un acusado de felonía sea arrestado, sin derecho a fianza, cuando existen buenas razones para creer que cometerá otro crimen grave antes del juicio
Prior restraint the government cannot curb ideas before they are expressed (p. 562)

Prohibición anticipada el gobierno no puede reprimir las ideas antes de que se expresen

Privatization the process of returning national enterprises to private ownership (p. 690)

Privatización regresar las empresas nacionales a la iniciativa privada

Privileges and Immunities Clause constitution's stipulation (Article IV, Section 2) that all citizens are entitled to certain "privileges and immunities," regardless of their State of residence; no State can draw unreasonable distinctions between its own residents and those persons who happen to live in other States (p. 114)

Cláusula de privilegios e inmunidades estipulación constitucional (Artículo IV, Sección 2), en que se conceden ciertos "privilegios e inmunidades" a los ciudadanos, sin importar su estado de residencia; ningún estado puede hacer distinciones no razonables entre sus propios residentes y aquellas personas que vivan en otros estados

Probable Cause reasonable grounds, a reasonable suspicion of crime (p. 586)

Causa probable fundamentos razonables, sospecha razonable de un crimen

Procedural due process the government must employ fair procedures and methods (p. 578)

Procedos legales establecidos el gobierno debe emplear procedimientos y métodos justos

Process of incorporation the process of incorporating, or including, most of the guarantees in the Bill of Rights into the 14th Amendment's Due Process Clause (p. 549)

Proceso de incorporación proceso de integrar, o incluir, la mayor parte de las garantías de la Declaración de los derechos en la Cláusula de proceso legal establecido de la 14a enmienda

Progressive tax a type of tax proportionate to income (p. 459)

Impuesto progresivo tipo de impuesto que es proporcional con el ingreso

Project grant one type of federal grants-in-aid; made for specific projects to States, localities, and private agencies who apply for them (p. 109)

Subvención de proyecto tipo de subvención de fondos públicos; proporcionada para proyectos específicos de los estados, las localidades y las oficinas privadas que la solicitan

Property tax a tax levied on real and personal property (p. 764)

Impuesto a la propiedad gravamen sobre los bienes raíces y la propiedad personal

Proportional plan proposal by which each presidential candidate would receive the same share of a State's electoral vote as he or she received in the State's popular vote (p. 392)

Plan proporcional propuesta para seleccionar electores presidenciales, mediante la cual cada candidato recibiría la misma cantidad de votos electorales de un estado que recibió durante la votación popular del estado

Proportional representation rule applied in Democratic primaries whereby any candidate who wins at least 15 percent of the votes gets the number of State Democratic convention delegates based on his or her share of that primary vote (p. 37)

Regla de la representación proporcional procedimiento aplicado en las elecciones primarias del partido Demócrata, en el cual cualquier candidato que gane al menos el 15% de los votos emitidos en una elección primaria, obtienen el número de delegados a la convención estatal demócrata, que le cor-

responda a esa proporción de las primarias

Proprietary organized by a proprietor (a person to whom the king had made a grant of land) (p. 33)

Propiedad organizada por un dueño (persona a quien el rey le ha otorgado tierras)

Prorogue adjourn, as in a legislative session (p. 271)

Prórroga aplazamiento, como en la sesión legislativa

Protectionism the practice of national governments trying to control imports to protect native industries from foreign competition (p. 696)

Proteccionismo práctica en la que gobiernos nacionales tratan de controlar las importaciones para proteger a sus industrias de la competencia extranjera

Public affairs those events and issues that concern the people at large; e.g., politics, public issues, and the making of public policies (pp. 215, 245)

Asuntos públicos aquellos acontecimientos y asuntos que importan al público en general, por ejemplo: la política, los temas públicos y la determinación de las políticas públicas

Public agenda the public issues on which the people's attention is focused (p. 234)

Agenda pública asuntos públicos sobre los cuales está enfocada la atención de las personas

Public debt all of the money borrowed by the government and not yet repaid, plus the accrued interest on that money; also called the national debt or federal debt (pp. 301, 466)

Deuda pública todo el dinero que ha pedido prestado el gobierno a lo largo de los años y que todavía no paga, además del interés acumulado sobre ese capital; también se conoce como deuda nacional o deuda federal

Public-interest group an interest group that seeks to institute certain public policies of benefit to all or most people in this country, whether or not they belong to or support that organization (p. 252)

Grupo de interés público grupo de interés que busca instituir determinadas políticas públicas de beneficio para la mayoría de las personas de su país, sin importar si pertenecen o apoyan a la organización

Public opinion the complex collection of the opinions of many different people; the sum of all their views (p. 215)

Opinión pública colección compleja de opiniones de diversas personas; la suma de todos sus puntos de vista

Public opinion poll device that attempts to collect information by asking people questions (p. 222)

Encuestas de opinión pública dispositivos que intentan recolectar información al hacerle preguntas a las personas

Public policy all of the many goals that a government pursues in all of the many areas of human affairs in which it is involved (pp. 4, 242)

Políticas públicas todas las metas que un gobierno se fija, así como los distintos cursos de acción que toma en sus intentos por llevar a cabo esos objetivos

Purge the process of reviewing lists of registered voters and removing the names of those no longer eligible to vote; a purification (p. 160)

Purga proceso de revisión de las listas de los votantes registrados y de la eliminación de los nombres que ya no son elegibles para votar; una depuración



Quorum least number of members who must be present for a legislative body to conduct business; majority (p. 348)

Quórum mínimo número de miembros que debe estar presente para que un cuerpo legislativo funcione; mayoría

Quota a rule requiring certain numbers of jobs or promotions for members of certain groups (p. 628)

Cuota regla que requiere que determinado número de trabajos o ascensos se den en miembros de ciertos grupos

Quota sample a sample deliberately constructed to reflect several of the major characteristics of a given population (p. 224)

Muestra de cuota muestra deliberadamente hecha para reflejar ciertas características importantes de una determinada población

R

Random sample a certain number of randomly selected people who live in a certain number of randomly selected places (p. 224)

Muestra aleatoria determinado número de gente seleccionada al azar y que vive en ciertos lugares seleccionados de manera aleatoria

Ratification formal approval, final consent to the effectiveness of a constitution, constitutional amendment, or treaty (pp. 48, 79)

Ratificación aprobación formal, consentimiento definitivo de la eficacia de una constitución, de una enmienda constitucional o de un tratado

Reapportion redistribute, as in seats in a legislative body (p. 274)

Reasignación redistribución, como los escaños en un cuerpo legislativo

Recall a petition procedure by which voters may remove an elected official from office before the completion of his or her regular term (p. 721)

Retirada inesperada procedimiento de petición por el que los votantes puedan destituir a un funcionario oficial antes de terminar su mandato

Recess a time when both houses of Congress temporarily suspend business (p. 271)

Receso período en que ambas cámaras del Congreso suspenden actividades temporalmente

Recession an absence of economic growth (p. 474)

Recesión ausencia de crecimiento económico

Recognition the exclusive power of a President to legally recognize (establish formal diplomatic relations with) foreign states (p. 414)

Reconocimiento el poder exclusivo de un Presidente para reconocer (establecer relaciones diplomáticas) a estados extranjeros

Record a transcript of proceedings made in trial court (p. 531)

Registro trasunto de los procesos llevados a cabo en una corte tribunal

Redress satisfaction of a claim payment (p. 540)

Resarcir satisfacer una queja, por lo general mediante un pago

Referendum a process by which a legislative measure is referred to the State's voters for final approval or rejection (p. 719)

Referendo proceso mediante el cual una medida legislativa se consulta con los votantes de los estados para su aprobación o rechazo final

Refugee one who leaves his or her homeland to seek protection from war, persecution, or some other danger (p. 615)

Refugiado persona que abandona su hogar para buscar protección contra la guerra, la persecución o algún otro peligro

Regional security alliances treaties in which the U.S. and other countries involved have agreed to take collective action to meet aggression in a particular part of the world (p. 506)

Alianzas regionales de seguridad tratados mediante los cuales los Estados Unidos y otros países han acordado actuar colectivamente para enfrentar una agresión en una determinada parte del mundo

Registration a procedure of voter identification intended to prevent fraudulent voting (p. 159)

Registro procedimiento de identificación del voto pensado para evitar votaciones fraudulentas

Regressive tax a tax levied at a flat rate, without regard to the level of a taxpayer's income or ability to pay (pp. 461, 763)

Impuesto regresivo gravamen con una tasa semejante, sin considerar el nivel de ingreso de los contribuyentes o su capacidad para pagarlo

Representative government system of government in which public policies are made by officials selected by the voters and held accountable in periodic elections; *see* democracy (p. 31)

Gobierno representativo sistema de gobierno en el que las políticas públicas están elaboradas por funcionarios elegidos por los votantes y que rinden cuentas en elecciones periódicas; *ver* democracy/democracia

Reprieve an official postponement of the execution of a sentence; *see* pardon (pp. 419, 725)

Suspensión un aplazamiento oficial de la ejecución de una sentencia; *ver* pardon/perdón

Reservation public land set aside by a government for use by Native American tribes (p. 614)

Reservación terrenos públicos que un gobierno reserva para el uso de las tribus nativas estadounidenses

Reserved powers those powers that the Constitution does not grant to the National Government and does not deny to the States (p. 99)

Poderes reservados aquellos poderes que la Constitución no otorga al gobierno nacional, pero que tampoco niega, al mismo tiempo a los estados

Reserve requirement the amount of money the Federal Reserve determines banks must keep in reserve with one of the Federal Reserve Banks (p. 476)

Reserva obligatoria cantidad de dinero que la Reserva Federal determina que los bancos deben mantener en reserva con uno de los Bancos de la Reserva Federal

Resolution a measure relating to the business of either house or expressing an opinion; does not have the force of law and does not require the President's signature (p. 344)

Resolución medida relativa al funcionamiento de cualquier Cámara, o una expresión de opinión sobre un asunto; no tiene la fuerza de una ley y no requiere la firma del Presidente

Reverse discrimination discrimination against the majority group (p. 628)

Discriminación inversa segregación en contra del grupo mayoritario

Rider unpopular provision added to an important bill certain to pass so that it will "ride" through the legislative process (p. 344)

Cláusula adicional provisión poco probable de ser aprobada por méritos propios, que se agrega a un proyecto de ley

importante que se tiene la seguridad que será aprobado, así que dicha cláusula “cabalga” por todo ese proceso legislativo

Right of association the right to associate with others to promote political, economic, and other social causes (p. 572)

Derecho de asociación derecho de asociarse con otros para promover causas políticas, sociales, económicas y de otra índole

Right of legation the right to send and receive diplomatic representatives (p. 485)

Derecho de legación derecho a enviar y recibir representantes diplomáticos

Rule of law concept that government and its officers are always subject to the law (p. 70)

Gobierno de la ley el concepto en que el gobierno y sus oficiales están sujetos a la ley

Runoff primary a primary in which the top two vote-getters in the first direct primary face one another (p. 190)

Elección primaria complementaria elección primaria en la que los dos candidatos con más votos en la elección primaria directa se enfrentan; el ganador de esa votación se convierte en el nominado

S

Sales tax a tax placed on the sale of various commodities, paid by the purchaser (p. 762)

Impuesto a las ventas gravamen sobre las ventas de distintos bienes, el cual paga el comprador

Sample a representative slice of the public (p. 224)

Muestra una porción representativa del público

Search warrant a court order authorizing a search (p. 581)

Orden de allanamiento autorización judicial para hacer registros

Secretary an official in charge of a department of government (p. 435)

Secretario funcionario a cargo de un departamento de gobierno

Sectionalism a narrow-minded concern for, or devotion to, the interests of one section of a country (p. 133)

Regionalismo preocupación estrecha, o devoción por los intereses de una región del país

Sedition the crime of attempting to overthrow the government by force, or to disrupt its lawful activities by violent acts (p. 560)

Sedición crimen de intentar derrocar al gobierno mediante la fuerza, o de interrumpir las actividades legales por medio de actos violentos

Seditious speech the advocating, or urging, of an attempt to overthrow the government by force, or to disrupt its lawful activities with violence (p. 560)

Discurso sedicioso el llamado o el apoyo a un intento de derrocar al gobierno mediante la fuerza, o a la interrupción de actividades legales por medio de la violencia

Segregation the separation of one group from another (p. 619)

Segregación separación de un grupo respecto a otro

Select committee legislative committee created for a limited time and for some specific purpose; also known as a special committee (p. 340)

Comité selecto comité legislativo creado por un tiempo limitado y para algún propósito específico; también se conoce como comité especial

Senatorial courtesy custom that the Senate will not approve a presidential appointment opposed by a majority-party senator from the State in which the appointee would serve (p. 88)

Cortesía senatorial costumbre de que el Senado no aprobará una nominación presidencial, si esa designación no es aprobada por el senador del partido mayoritario de ese estado, en donde la persona designada habría de servir

Seniority rule unwritten rule in both houses of Congress reserving the top posts in each chamber, particularly committee chairmanships, for members with the longest records of service (p. 337)

Regla de antigüedad regla no escrita de ambas Cámaras del Congreso, de acuerdo con la cual, los puestos más altos de cada una de ellas los ocuparán aquellos miembros que tengan un historial de servicio más antiguo; se aplica de forma más estricta a las presidencias de los comités

Separate-but-equal doctrine a constitutional basis for laws that separate one group from another on the basis of race (Jim Crow Laws) (p. 619)

Doctrina de iguales pero separados base constitucional para leyes que segregan a un grupo respecto a otro, con base en la raza (Leyes Jim Crow)

Separation of powers basic principle of American system of government that the executive, legislative, and judicial powers are divided among three independent and coequal branches of government; see checks and balances (p. 70)

Separación de poderes principio básico del sistema de gobierno estadounidense, según el cual los poderes ejecutivo, legislativo y judicial están divididos en tres ramas independientes e iguales; ver checks and balances/pesos y contrapesos

Session period of time during which, each year, Congress assembles and conducts business (p. 270)

Sesión período regular durante el cual reúne el Congreso para atender a asuntos oficiales

Shadow cabinet members of opposition parties who watch, or shadow, particular Cabinet members, and who would be ready to run the government (p. 668)

Gabinete alterno miembros de los partidos de oposición que vigilan, o supervisan, a un miembro particular del gabinete, y que estarían listos para ejercer el gobierno

Shield law a law which gives reporters some protection against having to disclose their sources or reveal other confidential information in legal proceedings (p. 563)

Ley Escudo ley que ofrece a los reporteros cierta protección contra la revelación de sus fuentes o la publicación de otra información confidencial durante los procedimientos legales

Single-issue parties parties that concentrate on only one public policy matter (p. 137)

Partidos de un único asunto partidos que se concentran en un solo aspecto de la política pública

Single-member district electoral district from which one person is chosen by the voters for each elected office (pp. 127, 275)

Distrito de un solo miembro distrito electoral en donde los votantes eligen, en la papeleta electoral, una sola persona para cada cargo

Slander false and malicious use of spoken words (p. 559)

Calumnia utilización falsa y maliciosa del discurso hablado

Socialism a philosophy based on the idea that the benefits of economic activity should be fairly distributed (p. 686)

Socialismo filosofía basada en la idea de que los beneficios de la actividad económica deben distribuirse de manera equitativa a toda la sociedad

Soft-liners those who want to reform governmental policies or procedures (p. 661)

Blandos quienes quieren reformar las políticas o procesos gubernamentales

Soft money money given to State and local party organizations for voting-related activities (p. 208)

Fondos no fiscalizados fondos otorgados al estado y a organizaciones partidistas locales para actividades relacionadas con el voto, por ejemplo: registro de votantes, envío de propaganda por correo, anuncios

Sound bite short, sharply focused report that can be aired in 30 or 45 seconds (p. 235)

Informe sucinto informaciones breves y concisas que pueden despacharse en 30 ó 45 segundos

Sovereign having supreme power within one's own territory; neither subordinate nor responsible to any other authority (pp. 7, 649)

Soberano tener poder supremo y absoluto dentro de su propio territorio; no estar subordinado ni ser responsable ante ninguna otra autoridad

Speaker of the House the presiding officer of the House of Representatives, chosen by and from the majority party in the House (p. 332)

Vocero de la Cámara funcionario que preside la Cámara de Representantes y que es electo por el partido mayoritario en la Cámara, al cual pertenece

Special district an independent unit created to perform one or more related governmental functions at the local level (p. 748)

Distrito especial unidad independiente creada para llevar a cabo una o más funciones gubernamentales relacionadas a nivel local

Special session an extraordinary session of a legislative body, called to deal with an emergency situation (p. 271)

Sesión especial sesión extraordinaria de un cuerpo legislativo, convocada para tratar una situación de emergencia

Splinter parties parties that have split away from one of the major parties (p. 138)

Partidos de escisión partidos formados por la fractura de uno de los principales partidos; la mayor parte de los partidos pequeños importantes en el ámbito político estadounidense son partidos de escisión

Split-ticket voting voting for candidates of different parties for different offices at the same election (p. 177)

Voto diferenciado votar, en la misma elección, por candidatos de distintos partidos para puestos diferentes

Spoils system the practice of giving offices and other favors of government to political supporters and friends (pp. 132, 443)

Sistema de prebendas práctica de ofrecer cargos y otros favores gubernamentales a los simpatizantes y amigos políticos

Staff agency an agency that supports the chief executive and other administrators by offering advice and other assistance in the management of the organization (p. 430)

Oficina de apoyo tipo de agencia cuya función es dar respaldo al Presidente y a otros administradores, ofreciendo consejos y otro tipo de asistencia en la administración de la organización

Standing committee permanent committee in a legislative body to which bills of a specified subject matter are referred; *see* select committee (p. 338)

Comisión permanente comité permanente de un cuerpo legislativo a quien se presentan las propuestas de ley sobre una materia específica; *ver* comité selecto

State a body of people living in a defined territory who have a government with the power to make and enforce law without the consent of any higher authority (p. 6)

Estado conjunto de personas que viven en un territorio definido y que tienen un gobierno con el poder de legislar y de hacer cumplir la ley, sin tener el consentimiento de una autoridad superior

Statutory law a law passed by the legislature (p. 713)

Ley estatuida ley aprobada por los legisladores

Straight-ticket voting the practice of voting for candidates of only one party in an election (p. 177)

Voto duro práctica de votar en una elección por los candidatos de un solo partido

Straw vote poll that seeks to read the public's mind by asking the same question of a large number of people (p. 222)

Encuesta pre-electoral encuestas que pretenden conocer la opinión de la gente haciendo simplemente la misma pregunta a una gran cantidad de personas

Strict constructionist one who argues a narrow interpretation of the Constitution's provisions, in particular those granting powers to the Federal Government (p. 313)

Construccionista estricto persona que defiende una interpretación estrecha de las estipulaciones de la Constitución, en particular las referentes al otorgamiento de poderes al gobierno federal

Strict scrutiny test a higher standard than the rational basis test a law must meet in equal protection cases (p. 619)

Examen judicial riguroso estándar más alto que la prueba de fundamento razonable que una ley debe honrar en casos de protección equitativa

Strong-mayor government a type of government in which the mayor heads the city's administration (p. 750)

Gobierno de alcalde vigoroso tipo de gobierno en el que el alcalde encabeza la administración de la ciudad

Subcommittee division of existing committee that is formed to address specific issues (pp. 340, 346)

Subcomité división de un comité existente que se forma para atender asuntos específicos

Subpoena an order for a person to appear and to produce documents or other requested materials (p. 322)

Citación orden para que se presente una persona o para que se elaboren documentos u otros materiales solicitados

Subsidy a grant of money, usually from a government (p. 203)

Subsidio una subvención de dinero, por lo general por un gobierno

Substantive due process the government must create fair policies and laws (p. 578)

Proceso legal duradero el gobierno debe crear políticas y leyes justas

Successor a person who inherits a title or office (p. 319)

Sucesor persona que hereda un título o un cargo

Suffrage the right to vote (p. 152)

Sufragio el derecho de votar

Supply-side economics the assumption that tax cuts increase the supply of money in private hands and stimulate the economy (p. 465)

Economía de oferta idea que supone que la reducción de impuestos aumenta el dinero de entidades privadas y estimula la economía

Surplus more income than spending (p. 463)

Superávit cuando hay más ingresos que gastos

Swing voters members of the electorate who have not made

up their minds at the start of a campaign and are open to persuasion by either side (p. 386)

Votantes indecisos miembros del electorado que no han tomado una decisión al comienzo de una campaña y están dispuestos a inclinarse hacia cualquiera de los candidatos

Symbolic speech expression by conduct; communicating ideas through facial expressions, with body language, or by carrying a sign or wearing an armband (p. 565)

Discurso simbólico expresión mediante la conducta; comunicación de ideas a través de expresiones faciales, lenguaje corporal o mediante el uso de un signo o portando una banda en el brazo

T

Tariff a tax on imported goods (p. 696)

Arancel impuesto que se aplica a las importaciones

Tax a charge levied by government on persons or property to meet public needs (p. 300)

Impuesto cargo gravado por el gobierno a las personas o propiedades, con el objeto de satisfacer las necesidades públicas

Term two-year period of time during which Congress meets (p. 270)

Término lapso especificado durante el cual se desempeñará en el cargo un funcionario elegido

Territory part of the United States that is not admitted as a State and has its own government (p. 308)

Territorio no incorporado territorio de los Estados Unidos que no tiene calidad de estado y que tiene su propio gobierno

Terrorism the use of violence to intimidate a government or society (p. 492)

Terrorismo el uso de violencia para intimidar a un gobierno o sociedad

Three-Fifths Compromise an agreement at the Constitutional Convention to count a slave as three-fifths of a person when determining the population of a State (p. 56)

Avenencia de las tres quintas partes acuerdo logrado en la Convención Constitucional respecto a que un esclavo debería contarse como tres quintas partes de una persona, para propósitos de determinar la población de un estado

Tort a wrongful act that involves injury to one's person, property, or reputation in a situation not covered by the terms of a contract (p. 728)

Entuerto acto injusto que incluye daño a la propiedad de una persona, su reputación o a la persona en sí en una situación que no está cubierta por un contrato

Township a subdivision of a county (p. 743)

Municipio división de un condado

Trade association interest group within the business community (p. 248)

Asociación comercial grupos de interés dentro de la comunidad de los negocios

Trade embargo a ban on trade with a particular country or particular countries (p. 697)

Embargo comercial prohibición de comerciar con un país o varios países en particular

Transient person living in a State for only a short time, without legal residence (p. 157)

Transeúnte persona que vive en un estado sólo por un breve tiempo, sin residencia legal

Treason betrayal of one's country; in the Constitution, by "levying war against the United States or offering comfort or aid to its enemies" (p. 606)

Alta traición deslealtad hacia el país propio; en la Constitución, librar una guerra en contra de los Estados Unidos, proporcionar aliento u ofrecer ayuda a sus enemigos

Treaty a formal agreement between two or more sovereign states (pp. 87, 412)

Tratado acuerdo formal entre dos o más estados soberanos

Trustee lawmaker who votes based on his or her conscience and judgment, not the views of his or her constituents (p. 287)

Independiente legislador que vota en cada asunto de acuerdo con su conciencia y su juicio independiente, sin considerar las opiniones de sus electores o de otros grupos

U

UN Security Council a 15-member panel that bears the UN's major responsibility for keeping international peace (p. 509)

Consejo de Seguridad de la ONU panel de 15 miembros que tiene la máxima responsabilidad de la ONU para la conservación de la paz internacional

Unconstitutional contrary to constitutional provision and so illegal, null and void, of no force and effect (p. 73)

Inconstitucional contrario a las estipulaciones constitucionales y, por lo tanto, ilegal, nulo e inválido, que no tiene fuerza ni efecto

Uncontrollable spending spending that Congress and the President have no power to change directly (p. 468)

Gasto incontrolable gastos que ni el Congreso ni el Presidente tienen el poder de cambiar de manera directa, incluyendo los intereses de la deuda

Unicameral an adjective describing a legislative body with one chamber; *see* bicameral (p. 34)

Unicameral adjetivo que describe un cuerpo legislativo con una sola Cámara; *ver* bicameral

Unitary government a centralized government in which all government powers belong to a single, central agency (p. 14)

Gobierno unitario gobierno centralizado en el que los poderes ejercidos por el gobierno pertenecen a una única oficina central

United Nations a league of nations, with 192 members, that accepts the obligations of the United Nations Charter, a treaty drafted in 1945 (p. 508)

Naciones Unidas grupo de naciones compuesto por 192 miembros, que acepta las obligaciones de la Carta de las Naciones Unidas, tratado redactado en el año 1945

V

Veto chief executive's power to reject a bill passed by a legislature; literally (Latin) "I forbid"; *see* pocket veto (pp. 72, 356)

Veto poder del Presidente para rechazar un proyecto de ley aprobado por una legislatura; literalmente (latín) "Prohíbo"; *ver* pocket veto/veto indirecto

Virginia Plan plan presented by delegates from Virginia at the Constitutional Convention; called for a three-branch government with a bicameral legislature in which each State's membership would be determined by its population or its financial support for the central government (p. 54)

Plan Virginia proyecto presentado por los delegados de Virginia en la Convención Constitucional; proponía un gobierno con tres poderes y una legislatura bicameral en la que la representación de cada estado estuviera determinada por su población o por su apoyo financiero al gobierno central

Visa a permit to enter another country, obtained from the country one wishes to enter (p. 486)

Visa permiso para entrar a otro país, otorgado por el país al cual se desea entrar

W

Ward a unit into which cities are often divided for the election of city council members (p. 146)

Distrito unidad en la que suelen dividirse las ciudades para la elección de los miembros del consejo municipal

Warrant a court order authorizing, or making legal, some official action, such as a search or an arrest (p. 732)

Mandamiento orden judicial que autoriza o hace legal alguna acción oficial, como la orden de allanamiento o la orden de arresto

Weak-mayor government a type of government in which the mayor shares his or her executive duties with other elected officials (p. 750)

Gobierno de alcalde débil tipo de gobierno en el que el alcalde comparte las obligaciones ejecutivas con otros funcionarios electos

Weblogs (blogs) Web site postings usually devoted to a specific subject, often allowing visitors to post comments (p. 233)

Blogs listados en un sitio web que por lo general se enfocan en un tema en específico y que muchas veces permite a los visitantes poner sus comentarios

Welfare cash assistance to the poor (p. 757)

Beneficencia ayuda en efectivo a los pobres

Welfare state country that provides extensive social services at little or no cost to the users (p. 687)

Estado benefactor países que ofrecen una amplia gama de servicios sociales a un bajo costo o de manera gratuita para los usuarios

Whips assistants to the floor leaders in the House and Senate, responsible for monitoring and marshaling votes (p. 336)

Whips auxiliares de los líderes de las fracciones partidistas en la Cámara de Representantes y el Senado que son responsables de vigilar y ordenar los votos

Winner-take-all an almost obsolete system whereby a presidential aspirant who won the preference vote in a primary automatically won all the delegates chosen in the primary (p. 379)

El ganador se lleva todo sistema casi obsoleto en donde un aspirante presidencial que ganaba la preferencia del voto en las elecciones primarias, automáticamente obtenía el apoyo de todos los delegados elegidos en dichas elecciones

World Trade Organization (WTO) organization created in 1995 to increase trade (p. 697)

Organización Mundial del Comercio (OMC) organización creada en 1995 para aumentar el comercio

Writ of assistance blanket search warrant with which British custom officials had invaded private homes to search for smuggled goods (p. 585)

Auto de ayuda orden general de allanamiento con la que los funcionarios aduanales británicos invadían los hogares privados en busca de bienes de contrabando

Writ of certiorari an order by a higher court directing a lower court to send up the record in a given case for review; from the Latin meaning "to be more certain" (p. 534)

Auto de avocación o certiorari orden emitida por una corte superior dirigida a una corte inferior para que remita el expediente de un determinado caso para su revisión; el sig-

nificado en latín de la expresión es "tener mayor certeza"

Writ of habeas corpus a court order which prevents unjust arrests and imprisonments (p. 592)

Auto de habeas corpus orden judicial que evita arrestos y encarcelamientos injustos

Z

Zoning the practice of dividing a city into a number of districts and regulating the uses to which property in each of them may be put (p. 753)

Zonificación práctica de dividir a una ciudad en determinado número de distritos y de regular los usos que se dará a la propiedad en cada uno de ellos

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